DOCUMENT RESUME

ED 375 925 PS 022 459

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TITLE No Surprises: Controlling Risks in Volunteer Programs.
INSTITUTION Nonprofit Risk Management Center, Washington, DC.
REPORT NO ISBN-0-9637120-4
PUB DATE 93
NOTE 68p.; Prepared in cooperation with the American Bar Association Task Force on Risk Management and Avoidance for Volunteer Organizations and in cooperation with Points of Light Foundation.
AVAILABLE FROM Nonprofit Risk Management Center, 1001 Connecticut Avenue, Suite 900, Washington, DC 20036 ($9.95, plus $3 shipping and handling for the first item plus $.50 for each additional item, $5 maximum; quantity price: $8).
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Administrator Guides; *Administrator Responsibility; Change Strategies; Court Litigation; Crisis Intervention; Employer Employee Relationship; Insurance; Legal Problems; *Program Administration; Public Relations; *Risk; *Risk Management; Safety; Social Discrimination; *Strategic Planning; *Voluntary Agencies; Volunteers
IDENTIFIERS *Risk Assessment; Risk Reduction

ABSTRACT

This booklet provides general and specific advice to volunteer programs to help them manage physical, economic, legal, personnel, and public relations risks. It examines various myths about the risks that volunteer programs face and outlines a strategy for implementing a risk management process. This process can be used to identify and assess risks, develop and implement strategies to control risks, and review and revise such strategies periodically. The booklet lists several steps volunteer organizations can take for an effective risk management program. They are: (1) adopt and follow written policies and procedures; (2) ensure that board members and employees understand and perform their duties; (3) properly screen and evaluate employees and volunteers; (4) provide proper orientation, training, and supervision to employees and volunteers; (5) promote safety; (6) take proper financial safeguards to prevent theft and embezzlement; (7) keep client information confidential; (8) ensure that proper financial records are maintained; (9) put agreements and contracts in writing; (10) insulate the organization against lawsuits; (11) obey federal, state, and local laws and regulations; (12) maintain appropriate insurance coverage; and (13) be prepared for the worst case scenario. Examples of specific risks and their prevention are provided. (Includes a list of 15 publications and 22 resource organizations.) (MDM)

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No Surprises

controlling risks in volunteer programs

Charles Tremper & Gwynne Kostin

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Acknowledgements

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Thanks also to the volunteer managers across the country who have shared their experiences and to Nancy Axelrod, Phillip Babcock, Pamela Davis, Susan Ellis, and Yvonne Norton Leung for their helpful insights.

No Surprises: Controlling Risks in Volunteer Programs

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ISBN 0-9637120-4

Library of Congress No. 93-85558

Contents

Introduction iv

Part I: The Power of Risk Management 1

Dangerous Risk Management Myths 2

The Heart of Risk Management 3

The Risk Management Process 5

Part II: Running Your Program Without Surprises 10

Putting Policies and Procedures to Work 10

Fulfilling Board Duties 15

Selecting Your Front Line 20

Fostering Competence and Confidence 27

Promoting Safety 32

Managing Money 36

Securing Records and Handling Sensitive Information 40

Putting Agreements in Writing 41

Insulating Your Organization Against Lawsuits 43

Heeding the Law 47

Navigating the Insurance Maze 50

Conquering the Worst Case Scenario 54

Epilogue 58

Resources 59

Introduction

If you manage a volunteer program you are probably accustomed to surprises—both good and bad. Risk management can help you prevent as many of the bad ones as possible and to take control of the ones you can't avoid.

To increase your control over risks—and prevent unpleasant surprises—this handbook provides both general and specific guidance. Part I presents key concepts and develops a strategy for integrating risk management into every aspect of your operations. Part II offers practical suggestions for controlling risks in a dozen areas of volunteer program management, from governance to transportation.

Both parts of the handbook stress prevention as the primary strategy for controlling risks. Although legal liability and insurance are also important topics, they receive secondary consideration here. The best way to avoid being sued or needing insurance is to prevent harm in the first place.

The suggestions offered for controlling risks are intended for volunteer management. Most of them are suitable for managing employees, too. Differences pertaining to paid staff are noted where appropriate.

While this handbook is crammed with information and ideas, it is *not* a comprehensive risk management guide. To control your risks effectively, you will need to refer to other materials and experts. The "Resources" section can point you in the right direction.

Beyond that, you are on your own. Every volunteer program director is responsible for staying up-to-date regarding the current "best-practices" and changes in the law. This handbook may provide extra motivation to make that effort, but it cannot substitute for your active, ongoing efforts to learn about the risks of your program and the steps to prevent them from becoming unpleasant surprises.

Part I: The Power of Risk Management

Why Bother with Risk Management?

Good question. You might start looking for an answer in your mission statement. Does it say something about serving the community? Making the world a better place? Whatever your mission, accidents, injuries, legal violations, financial losses, and lawsuits can keep you from achieving it. Consider for a moment what can go wrong at your organization. Every threat you just imagined is a risk. Most of them can be managed.

Your volunteers provide a few more reasons to embrace risk management. What would happen if one of them were injured? Do they worry about being sued? Are potential board members scared away by fear of lawsuits? Fortunately volunteers are rarely injured and even less often sued, but they can be. Risk management gives *you* the tools to protect your volunteers and gives *them* the confidence to perform their assignments.

Risk management gives *you* the tools to protect your volunteers and gives *them* the confidence to perform their assignments.

The goal of risk management is to improve performance by acknowledging and controlling risks. It puts you, not the risk, in charge. Contrary to common belief, risk management is not just about buying insurance. It is not just about avoiding lawsuits. It *is* about protecting and conserving your organization's resources and providing goods and services sensibly. Risk management frees your organization to pursue its mission.

As you read this primer, keep your mission statement and volunteers in mind. Refer to your mission statement when you think you don't need to integrate risk management into your operations. Think about your volunteers and the community you serve when deciding which precautions to take. If your organization exists to make the world a better place, you need risk management.

Dangerous Risk Management Myths

Some people reject risk management because of misunderstandings about the need for it or the costs of doing it. Each of the following myths must be put to rest for you to succeed.

- ***Our* building won't burn down. *Our* computers won't crash. *Our* volunteers would never....**

Famous last words. If you sometimes find yourself living in the state of denial, ask people in what was Homestead, Florida, about Hurricane Andrew. Ask the organization whose board rejected a job applicant because, "She was too old." It ***can*** happen here. Because we all prefer to think about pleasant outcomes, we need to make an extra effort to admit to ourselves that things can go wrong. Risk management works a lot better than denial to prevent harm.

- **If I don't know about it, it can't hurt me, and I'm not responsible for it.**

Ignorance is the first cousin of denial. Law and morality impose a duty regarding what you know or *should know*. Learning about dangers empowers you to prevent harm.

- **We can't get sued because charitable organizations are immune.**

The doctrine of charitable immunity has gone the way of the dinosaurs. A charitable purpose generally does not shield an organization from accountability for damage it causes. Even in states that limit liability, an injured party can still file a lawsuit—and you still have to hire a lawyer to have it dismissed. Moreover, some types of claims, like discrimination, are not limited by state laws because they are federal violations.

- **We're protected by our state volunteer protection law.**

Volunteer protection laws, which most states have in some form, reduce the risk of personal liability claims against volunteers. None of these laws completely immunizes volunteers, though. They also don't protect the organization itself against claims for harm caused by volunteers. They help to take volunteers off the liability firing line, but they do not eliminate the need for risk management. (See *State Liability Laws for Charitable Organizations and Volunteers*.)

- **We do good work, so nobody will sue us.**

People may be less likely to sue you, but they can, and some will. In the search for deep pockets—pockets that hold the most money—every person and organization even peripherally involved in an injury

may be sued. People with big medical expenses may be forced to sue to help pay their bills even though they would rather not take you to court.

- **Insurance takes care of everything.**

Not so. What can insurance do about the bad publicity that accompanies a serious incident? About the shaken faith of your supporters? About the time and anguish you'll spend defending a claim? Insurance is an important part of risk management. It provides money to pay for losses you could not prevent. But smart managers know that insurance covers only a small portion of a loss.

- **We can't control our volunteers' every action, so we can't be held liable for what they do.**

Some truth here. Your organization is not liable for everything a volunteer does. The primary test is whether the volunteer is subject to your control. In addition, the organization may be held liable for exercising inadequate control, not carefully screening volunteers before placing them, or otherwise failing to prevent foreseeable harm.

- **Risks are controlled best by reducing the human element of a program.**

You might get this advice from a risk management text or an old-line risk manager. Again, there is some truth. Most accidents result from "human error." But robots can't help an adult learn to read. Machines can't provide companionship to elderly shut-ins. And an assembly line can't sing to border babies. Because you can't eliminate the human element in your program, this handbook emphasizes management techniques that reduce the likelihood of "human error."

You have a vital organization that must function in an environment teeming with potential risks. But don't despair. Risk management can help prevent unwanted surprises. Examine your programs, work with your people, and you can gain the power of control.

The Heart of Risk Management

The heart of risk management beats with three C's: *Commitment, Communication,* and *Consistency,* added to the Care and Compassion of volunteer work. If you commit to protecting the community you serve, communicate that commitment to everyone in your organization, and consistently act in accord with that commitment, you will enjoy the benefits of risk management.

At its heart, risk management is not a new trick, and it's not something mysterious. It's an orientation to everything you do that is highly consistent with every charitable mission. Risk management is not just looking for trouble, it's looking for solutions that make your organization more effective.

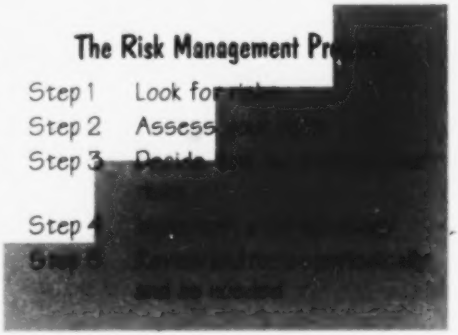
Risk management leads us to consider the potential down sides of apparently good ideas. Consider, for example, the implications of referring to volunteers as "gratuitous employees." On one hand, using "gratuitous employees" may help to professionalize volunteer administration. On the other hand, using this phrase may trigger unintended legal consequences. Should these volunteers be considered as employees for purposes of workers' compensation? Child labor laws? The Americans with Disabilities Act? If their volunteer status is unclear—maybe you provide a living stipend or housing allowance—calling them "gratuitous employees" may turn them into employees in the eyes of the law. (See *Volunteers and the Law.*)

Adopting and incorporating the three C's of risk management will help you to anticipate and avoid problems. Clearly and consistently communicating your commitment will help your volunteers and employees to do the same. If something does goes wrong or someone is injured, don't turn away. Angry people who feel they have been mistreated and those who feel that "nobody cares" are more likely to sue. The prelude to a lawsuit often sounds like this, "Those jerks! They treat dogs better than I was treated. Nobody would answer my questions or return my calls. I'll show them, IN COURT!"

Risk management goes to the heart of your volunteer program. You don't need a medical degree to know that the heart is what keeps us going!

The Risk Management Process

The risk management process provides a systematic method of responding to the dangers of an organization's operations. The process is designed to protect not only the community you serve, but also your staff and financial resources.



The five steps at right form the basis for risk management in any organization. By following these steps you will be less likely to overlook risks or jump to conclusions about how to handle them.

Suggestions for the first three steps are covered in this section. The fourth step is the focus of Part II. The fifth step requires you to occasionally repeat the other four. As the environment and your organization change, you need to reassess your risk management choices and to update and modify them as necessary.

Step 1: Look for Risks

For risk management to succeed, you must acknowledge the reality of risk. Denial substitutes deliberate ignorance for thoughtful planning. You can begin the risk identification process by taking out a piece of paper and writing down the risks that come to mind. To focus your thinking, consider risks to the categories in the box below.

What's at risk?

People	board members, volunteers, employees, clients, the general public
Property	buildings, equipment, bank accounts
Income	sales, grants, contributions
Goodwill	reputation, stature in the community, ability to raise funds

When identifying risks, look for the forest as well as the trees. The director of a youth camp for children with mental disabilities quickly identified the risk of campers being abused by counselors. He did not, however, consider the risk of abuse—or even sexual contact—*between* campers.

Other ways to identify risks.

- Review your procedures manuals for legal compliance, dangers, and feasibility of required procedures.
- Diagram your operations, looking carefully for what could go wrong at each step.
- Use checklists available from some insurers or printed in risk management manuals for nonprofit organizations.
- Walk the premises to spot hazards. Try to visualize the setting in emergency situations and from the perspectives of individuals who are differently-abled.
- Review safety records, such as OSHA and workers' compensation reports.
- Consider the responsibilities of employees and volunteers with respect to their ability to perform the tasks they are assigned. Take into account not only their skills, but also their judgment.
- Invite others to join in your risk audit. You might ask staff and board members, your insurance agent, a lawyer, a building safety engineer, a risk manager from a local business or government, and the director of an organization similar to yours.

Above all, keep at it. Part of the challenge of risk management is to be aware of changing circumstances that require a change of strategy.

Step 2: Evaluate Your Risks

The purpose of evaluating risks is to make conscious decisions about which risks the organization can tolerate; which risks require the purchase of insurance; which risks can be reduced or controlled; and which are simply too great to bear.

Many volunteer organizations, by their charter or *raison d'etre*, undertake tasks that thoughtful risk managers in the for-profit sector would never accept. Based on its mission, each organization has its own set of risks and its own level of risk aversion. These factors shape the risk evaluation process.

Review the list from Step 1 of risks to people, property, income and goodwill. To be useful, a risk assessment must extend beyond the financial costs of an incident. Try to "guesstimate" the likelihood that the risk will occur and the potential severity of the loss if it happened.

Assess risks in light of your mission. Even if insurance or legislation minimizes the financial impact of harm, damage to an organization's mission could be unbearable. A director of a youth mentoring program advised colleagues not to obsess about screening procedures to weed out pedophiles because the law in his state limits liability. This narrow focus on liability obscures the most important reason for screening: to protect the kids. Failing to screen volunteers imperils the mission of mentoring: to help at-risk youth.

Step 3: Decide How to Control Your Risks

Conducting a risk assessment provides a basis for sensibly deciding how to control your risks. You have the four options listed below.

Controlling Risks

Avoid	Do not offer a service you consider too risky.
Modify	Change the activity so the chance of any harm occurring and the impact of the potential damage are acceptable.
Transfer	Shift at least the financial aspect of the risk through contract or insurance.
Retain	Accept the risk and prepare for the consequences.

Modification is generally the preferable tool. It can be used in tandem with transfer to control almost any risk. The better an organization can conduct its activities to control risk, the less risk it will have to retain, the better record it can show insurers, and the less the likelihood that popular programs will be discontinued.

Avoid The decision to avoid—to cancel a soccer game when lightning flashes or scrap plans for a day care center because the only available facility doesn't have enough exits—is always painful. That's one reason *commitment* to risk management is so important. If an activity cannot be performed safely, due to lack of expertise, training, equipment, practice, or any other reason, it generally should not be undertaken despite the need.

If insurance coverage for what you do cannot be obtained, the risks may be unacceptable even though the activity is reasonably safe. For example, an organization might be able to train volunteers to safely administer medications to elderly shut-ins and still decide not to do it for insurance reasons. If an uninsured loss from one activity would bankrupt a multipurpose organization, avoidance may be the sad, but best, choice.

Modify Few risks compel avoidance if an organization takes proper precautions.

Using multiple strategies to reduce risks will improve your control over surprises. You can manage risks at their source, in the process, and at the destination. For example, to reduce the risk of equipment thefts you could lock the building and rooms, install an alarm, secure items with locking cables, engrave them with your driver's license number, and train staff to watch for security breaches. Part II of this handbook offers scores of other ideas.

Transfer Finding someone else to take a risk on your behalf may not sound like a promising strategy, but it can be done. For example, contracting with a bus company to transport your people to an event can transfer primary liability for an accident to the bus company. Purchasing insurance transfers the financial portion of a risk to the insurer in exchange for the premium you pay.

Transfer cannot totally insulate you from a risk, however. Some elements, such as bad publicity, always remain. Therefore, transfer alone is an inadequate risk management strategy.

Retain Organizations most commonly retain risks by not thinking about them. If they *did* think about them, they might chose to avoid, modify, or transfer. As a deliberate risk management choice, retention makes sense if the risk is small enough that the organization can sustain the loss. You must accept some risks to accomplish anything. Risk management empowers you to make a deliberate choice about which risks to accept.

You Don't Need To Do This Alone

The very spirit of self-sufficiency that enables volunteer organizations to attempt the impossible can get out of control and cause harm. We've all found ourselves in over our heads from time to time, and usually we've managed to get back to the surface without causing or suffering major damage. More frightening were the times when we were in over our heads and didn't realize it until later. The risk management techniques provided here offer a basis for deciding when to forge ahead alone and when to get help.

Depending on the situation, you might seek help from either published materials or another person. You can get some leads for both from "Resources" at the back of this handbook. Other resources specific to your program that you use to improve your overall operations—whether mentoring or housing rehabilitation—are generally good risk management tools, too. They may establish standards for your field that your organization should follow.

Many organizations rely on volunteers, often board members, for legal and insurance matters. That strategy offers the substantial advantages of holding down costs and getting help from someone who cares about the organization. Because the fields of law and insurance are complex, however, even a concerned lawyer on your board may not be an expert in the right field. An insurance agent who does not specialize in volunteer programs may not be aware of the right insurance options for your circumstances. To get the best service from these board members, you might consider using them as advisors to help you choose a professional and to oversee the work.

One creative way to recruit professionals as volunteers for your organization is to put an ad in the classified section of your newspaper or a professional publication in your city. The more clearly you describe the specific assistance you need, the more likely you are to get the person you want.

Help Wanted

VOLUNTEER LAWYER NEEDED. *Helping Kids* needs lawyer to assist in creation of a procedures manual for mentoring program. Help especially needed regarding privacy rights and child abuse reporting.

In addition, the local bar association can provide referrals to lawyers. Your own network is another good source. Ask your colleagues at other volunteer organizations which professionals they use and whether they are satisfied with the service.

Assistance for Volunteer Programs

Since we could not easily list people in your community who can assist you, we have provided a list of organizations that provide materials and services specifically for volunteer organizations in "Resources." Phone numbers listed are for national offices that can inform you about the location of the affiliate nearest you.

Part II: Running Your Program Without Surprises

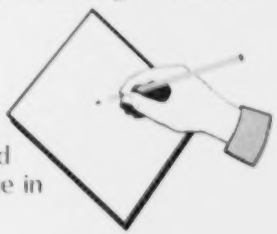
Mastering the risk management principles of Part I should help you to control all types of risks. For help with specific risks and particular strategies for controlling them, Part II goes into further depth on a dozen topics of special interest to volunteer programs. Because volunteer programs conduct such a wide variety of activities, the discussion of each topic assumes that you are familiar with the material in Part I.

Putting Policies and Procedures to Work

On her first day as a volunteer assistant for an after-school care program, Jane Smythe was confronted by a child with a bloodied arm. She grabbed a colleague and asked, "What do we do?" Her experienced coworker answered, "It doesn't look serious. You calm down the child and start administering first aid. I'll start writing up the incident report."

Jane—who was trained in first aid and experienced in child care—was really asking, "What is the procedure for handling accidents at this agency?" Every organization has policies and procedures to answer questions like Jane's. Policies communicate the character and goals of your organization. Procedures are the underpinnings of operations that offer step-by-step guidance to help us answer the phone or handle an emergency. Together they provide the basis for preventing surprises that could derail your group from achieving its mission.

What Can Written Policies and Procedures Do for You?



Policies and procedures are the crux of the *consistency* necessary to control risks. As you develop them, you should regularly *communicate* them to everyone in

the program to demonstrate your *commitment*. Policies and procedures also:

- **Establish a standard for behavior and a common body of knowledge.** Clear rules increase the likelihood that everyone will understand their responsibilities and do what they are supposed to do.
- **Support unpleasant, but necessary requirements**. For example, if official policy requires that every potential mentor submit to a criminal background check, you can tell the board member's brother that your "policy requires it" when he wants to volunteer. Written policies are invaluable when you need to discipline or terminate a volunteer or employee.
- **Provide a valuable orientation and training tool for volunteers, employees, board members, and clients.** People want to succeed. Knowing how to do things and knowing what is expected helps to reinforce appropriate and safe actions.
- **Help ensure operational consistency**. Written instructions decrease the risks of mistakes and downtime when people unfamiliar with the postage machine, commercial printers, or the fax, fill in when the flu goes around or when people are on vacation.
- **Strengthen your defense if you're sued.** For example, a written termination policy that is carefully and faithfully applied can convince a judge or jury that a supervisor did not treat an employee arbitrarily.

Make 'em, Don't Break 'em, and Shake 'em

Effective use of written policies proceeds through three phases: making them, not breaking them, and shaking them. That is, write them down, follow them, and review them to keep them up to date. The following suggestions can help you use policies and procedures effectively.

- **Show you're serious!** Write them down, print them, and distribute them! Proclaim them in memos, meetings, and training. Give them teeth. What good is a policy prohibiting sexual harassment if it's hidden in a manual and doesn't have complaint and enforcement procedures? It will be viewed as window dressing, if viewed at all.
- **Do what you say, or don't say it!** Don't set standards that you do not have the resolve and resources—financial, time, staff—to follow. Adopting a policy you can't follow opens the door to liability.
- **Don't simply write them down, make sure they work!** Set up orientation and training programs to help volunteers and employees understand and apply policies and procedures. Regularly

monitor effectiveness to see if you are getting the results you intended. Review and revise them as needed. Good policies can become bad policies when circumstances change.

- **Stay legal!** Your policies and procedures must conform with the law. You will need to update them when new laws, such as the Americans with Disabilities Act, are enacted.

You can't skirt your legal obligations by declining to adopt formal policies or standards. First, you already have policies and steps to complete tasks even if you haven't written them down. Second, without documented policies and procedures you're on a runaway train. Either everyone has their own way of doing things or someone else in the organization may be setting the standard, somebody you did not necessarily choose.

Third, standards of care exist whether or not you acknowledge them; some are common sense, some are set by professional societies, and others are mandated by local, state, or federal regulations. A soup kitchen's improper food handling procedures do not excuse an outbreak of food poisoning; a daycare center's nonexistent corporal punishment policy does not pardon providers when children are hit on their heads. "We didn't know..." is a very ineffectual defense. Find out if there are standards. If there is a right way to do something, insist that staff do it that way. If you provide medical or other professional services, be especially careful to adhere to the standards of care established by professional groups.

Getting Started

To avoid being overwhelmed by the task of documenting your operations and policies, try biting off small chunks at a time and enlist the help of others. Have employees or volunteers switch off doing desk audits—where one person observes and chronicles the other's workday. Ask staff to write the procedures for their jobs. People who work together can diagram how their individual responsibilities make up the delivery of programs and services. A side benefit to this effort may be more productive ways of working.

As you examine your programs, ask, "What if something goes wrong?"

Play "What if...?" As you examine your programs and operations, ask, What if something goes wrong? What would be the optimum way to address it? This exercise can expose areas that need established policies and procedures. Making policy or procedures based on the ideal situation is not controlling your risks. It's hoping for the best.

You can also borrow policies from other sources. Ask another

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organization if you can adapt it's personnel policy manual. Get a sample from a local resource organization or public library. Or pool with other similar organizations to share "fill-in-the-blank" software that provides a sample you can personalize and hire an employment attorney to review the results. You don't need to start from scratch.

Policies for *YOUR* Programs

Below is a list of policies designed to help control risks. This list is neither exhaustive nor compulsory, but it is a good start. Weigh the items in light of *your* actual operations and adapt them accordingly.

- **Risk management policy statement.** Put your money where your mouth is. Your commitment to controlling and managing risks will be crystal clear if the entire organization—managers, employees, volunteers, boardmembers and clients—accepts the responsibility.

> **Risk Management Policy**
>
> Brother Joe's Soupkitchen is committed to practicing effective risk management to protect the safety, dignity, and legal rights of others as well as our human, financial, and intangible assets.

- **Training.** Depending on the services you provide, you may have policies requiring first aid certification and recertification for your day care providers, a specified number of hours of counseling training for hotline staffers, ongoing in-service training for volunteer mentors, or defensive driving and commercial drivers license certification for van operators.
- **Personnel policies for employees and volunteers.** Employment and staffing can be a hot potato for any organization. You can cool it off somewhat with consistent application of clear rules and adherence to procedures regarding hiring, firing, and supervising volunteers and employees. Many organizations create their own personnel manuals from models developed by state associations of nonprofits, associations of personnel directors, and other sources. (See "Resources.) Manuals developed for volunteers—as well as for employees—are a valuable orientation tool. If you have a personnel manual, it should clearly state that it is not an employment contract, especially for volunteers. A lawyer's review of your draft manual can save you aggravation and expense later.
- **Sexual harassment and anti-discrimination.** Adopt a policy that prohibits sexual harassment or discrimination by everyone in-

volved in your activities. The organization is responsible for providing a working environment that is free of this type of hostility. Make it stick by designing a procedure for responding to complaints. The complaint and investigation procedure puts muscle behind your policy and shows your commitment.

- **Complaints and due process.** Even in the best managed organizations, mistakes and misunderstandings are bound to occur. A complaint and investigation system provides a recognized process for people with a grievance, as well as protection for the accused. Fair and consistently applied procedures will go far in protecting against charges of either defaming the accused or endangering the accuser. Remember that clients and their parents or guardians may experience problems, too. Open communication and fair resolution of the situation may stop a misunderstanding from turning into a summons.

Make it stick by designing a procedure for responding to complaints.

- **Media relations.** Decide who speaks for the organization before a reporter calls. Ensure that your spokesperson has the necessary information as well as the judgment and training to portray your group in a positive way, even in a time of crisis. Imagine turning on the TV and seeing one of your volunteers appearing on behalf of your organization shaking her head and ruefully saying, "I just *knew* this was going to happen!"
- **Use of organizational name or logo.** Your good name is very valuable and requires protection. Policies can include who is authorized to grant permission to use your name and under what circumstances. Be stingy in distributing your letterhead, and establish the specific purposes for which it may be used. A board member using it in a commercial solicitation or a political campaign could damage your organization. Have policies regarding endorsements and coalitions. Be especially careful if you're approached to lend legitimacy to another group. Your careful investigation before agreeing to the use of your name can maintain your reputation.

Your good name is very valuable.

- **Emergencies.** The confusion of a fire or the aftermath of a natural disaster is not the time to think about emergency planning. Drilling on procedures to protect your operations, clients, and staff will help you respond and get back on your feet without added losses. Back-ups of important papers and computer data, evacuation procedures, and alternative delivery of services all require advance

planning. In addition, organizations that could assist with disaster relief should contact the local Red Cross or the city or county disaster preparedness office *well before* a crisis occurs.

- **Suspension**. Organizations need not be paralyzed by fear of a defamation suit from a volunteer or employee accused of abuse or harassment. A mandatory "administrative leave" policy can protect you from negative inferences when you suspend an assignment. Police departments and public schools use "administrative leave" to remove the accused from duty during investigations. Your policy requiring reassignments or suspensions—with or without pay for employees—pending the investigation of serious allegations, such as abuse, theft or reckless behavior, will protect clients, the organization, and the staffer.
- **Operations**. The remainder of this handbook offers more suggestions for accident/incident reporting procedures, financial controls, record retention, and matters specific to your operations.

Are written procedures necessary for everything? Obviously, not. You have to decide when consistency and policy is paramount, for example in hiring and firing, and when it may be less important, for example answering the phone with your acronym or your formal name. Let's face it, you aren't working in a community-serving organization because you want to build bureaucracies, so use policies and procedures as needed to help prevent—and control—unwanted surprises.

Fulfilling Board Duties

The board's most important responsibility is to keep the organization focused on its mission. To fulfill that duty, board members must keep one eye fixed on potential dangers to the organization and themselves. Volunteer protection laws may limit a board member's personal liability, but those laws do not diminish a board member's responsibilities. (See *State Liability Laws for Charitable Organizations and Volunteers*.)

Because no one likes to think about what can go wrong, a well-meaning board may understandably, but unforgivably, neglect its duty. For many board members, awareness of risk remains in the shadowy realm beyond conscious thought as they focus on what their organizations can achieve if everything goes well. Taking risk management seriously, on the other hand, sends a message of commitment

to safety and respect for the rights of others that can spread through the entire organization.

Responsibilities

Nearly all legal problems that boards encounter result from lack of knowledge or a misunderstanding. (The truly dangerous board member knows things that just aren't so.) Good risk management starts with good information about legal requirements.

Each board member is responsible for three principal legal duties: care, loyalty, and obedience. To prevent unpleasant surprises, including personal liability, board members must perform these duties conscientiously.

Board Duties

Care: Act with the care that an ordinarily prudent person would exercise in a like position and under similar circumstances.	Carefully examine proposals before voting, obtaining input from appropriate sources as needed. Check the references of executive director applicants, lawyers, auditors and others who serve the board.
Loyalty: Put the interests of the organization first.	Disclose conflicting interests and follow additional rules in state law and the organization's bylaws for conflicts of interest. Avoid prohibited transactions with the organization.
Obedience: Act in accord with both the organization's mission and applicable law.	Determine whether proposed actions are consistent with the organization's articles of incorporation or charter. Insist that forms be filed and taxes paid on time.

Nonprofit boards are often described as "fiduciaries" entrusted by the public with charitable funds. To discharge their fiduciary duties board members are expected to take adequate precautions so those funds are used for their intended purposes. This responsibility includes budget oversight, review of financial statements, maintenance of controls on the use of funds, and an audit or other verification that the organization's finances are in order.

In addition to the three general duties of care, loyalty, and obedience, boards are subject to a variety of specific responsibilities

imposed by law. Most legal problems for nonprofits' boards arise from employment, civil rights, or tax law.

In each of these areas the board has dual responsibilities for actions it takes directly and for establishing policies for staff to follow. For example, the board ordinarily has direct control over only one employee, the executive director. If the board promises specific employment terms, the executive director may be legally entitled to enforce those terms. Discrimination or other violations of employment law when hiring or firing the executive director are no more permissible than it is with any other employee.

For other employees, the board's role is to demand that rights be respected. For example, prohibition of workplace harassment on the basis of race or sex is not only the right thing to do, but a legally enforceable responsibility. So the board should instruct the executive director to adopt and enforce appropriate policies.

Similarly, the board is ultimately responsible for tax compliance, even though staff may make the payments. The IRS can, and does, impose personal liability on responsible board members for an organization's failure to pay withholding taxes. That threat should provide plenty of incentive to resist the temptation to "borrow" money owed to the IRS for payroll withholding when funds are tight.

One of the best risk management measures for the board of an unincorporated organization is to incorporate. Incorporating reduces board members' potential personal liability for the debts of the organization and for claims arising from its operations.

The Prudent Board Member

Faithfully executing the duties of a board member requires ordinary diligence. Program administrators with volunteer board members who are unsure whether they are living up to that requirement might want to consider the items listed on the following pages as a test. If you and your board members can answer "yes" to each of the items, you are on the right track to discharging risk management obligations and minimizing the risks of harm and liability. A "perfect score" does not end the story, though. The tremendous variety of boards and the issues that come before boards, plus ever-changing circumstances, render this list unavoidably incomplete.

To use this list as a self-test, place a check mark next to the statements that describe you and your board. Circle the statements, or portions of statements, that indicate a need for improvement. Set your priorities based on these "gaps."

Board Self-Test

❒ **I regularly attend board meetings.**

Attendance is essential. Harm and liability can result from inaction as well as action. Only by attending can you know what the board is doing and whether you agree or object.

❒ **I keep informed.**

Reading minutes, financial reports, memos, and supporting documentation eliminates the surprise of being told that you were notified of a matter that you neglected to read about. If any important matter is unclear, you have the right *and the responsibility* to ask questions. You may need to call on lawyers, accountants, or other experts from time to time to analyze and advise on specific issues. If you don't know, ask!

Board members are expected to be familiar with the general operations of their organizations, but need not know the details of daily operations. By asking the executive director for regular reports and periodically observing the program in operation you are not likely to be surprised by a newspaper exposé featuring your organization!

❒ **I do not take unfair advantage of my position.**

Conflicts of interest can lead to serious trouble if not handled properly. Most states permit board members and their families to do business with the organization provided that they disclose their interest in the matter and abstain from consideration of the issue. Some states and organizations impose additional restrictions and some laws prohibit or penalize certain types of "self-dealing." A lawyer's advice in this area can be especially valuable.

Aside from loans and sales between board members and their organizations, conflicts may also arise when an individual sits on more than one board or has a business or personal interest that could be affected by a board action. The rules on these conflicts are currently in flux, which is another good reason to check carefully before proceeding. Arrangements that were acceptable in the past may be considered unethical today.

❒ **I make sure my vote is recorded when I disagree with a board action.**

Voting on the record provides the only reliable means of proof when someone raises a question a few years down the line. Make sure the minutes correctly reflect your vote if you oppose an action.

❒ **We keep good records.**

Good minutes and financial records enable you to prove what

you did. Adequate records can also help the board be consistent from one meeting and one term to the next.

❒ **We explore options before arriving at a decision.**

One measure of a board's diligence is the extent to which it examines proposals and listens to all sides prior to taking action. The embarrassment of expressing a contrary opinion lasts far less than the consequences of a bad decision. Ask what might go wrong and how the organization would be affected. Answers like, "We'll cross that bridge when we come to it," may mask unwillingness to acknowledge a risk.

❒ **We properly hire, evaluate, and, if necessary, fire the executive director.**

The board's relationship with the executive director warrants special care. The board chair and executive director need to be clear about their respective roles (governance and administration) so they avoid unnecessary conflict.

Considering that the board entrusts the executive director with the care of the organization, careful selection of the executive must be a top priority. Likewise, when the executive's conduct jeopardizes the organization, removal may be necessary, even though painful. Before terminating your director check any employment contracts or other agreements.

❒ **We safeguard the organization's financial integrity.**

Missing or misspent money ranks high on the list of board nightmares. Misuse of funds is also one of the most predictable and preventable problems. Board members are not expected to account for every receipt and expenditure, but they do have a duty to require adequate safeguards.

For most organizations, an independent audit is an indispensable element of financial control, but an audit alone cannot give a board adequate assurance that the organization's financial affairs are in order. Vigilant oversight by the treasurer or finance committee provides better protection.

❒ **We verify the qualifications of contractors and review proposed agreements before voting.**

The board is responsible for following good contracting practices when it selects an accountant, attorney or other service provider. (See "Putting Agreements in Writing.") The importance of these contractors to the organization requires extra inquiry into their qualifications and integrity. Boards sometimes rely on friends or people they know from their business dealings. Although these

contacts may be very well-respected in their fields, make sure they have expertise in serving volunteer programs. If not, another professional may provide better service.

❒ **We have established suitable procedures and insist on compliance.**

"Good procedures, regularly followed" could be the risk management mantra for any organization. The board must play the lead and perform some risk management functions itself. Every board would do well to have a risk management committee with special, although not exclusive, responsibility for dealing with risks.

The board itself needs standard procedures for holding meetings, mailing notices, electing members, evaluating the executive director, reviewing financial statements, and otherwise discharging its responsibilities. Failure to follow procedures, including those long forgotten in the bylaws, can invalidate board actions.

Board risk management procedures protect the organization and its mission, as well as board members individually. For additional guidance for volunteer boards see "Resources."

Selecting Your Front Line

Because your risks are primarily human, you will get a lot of bang for your buck by investing your time and effort in selecting well-qualified volunteers and employees. Interviewing candidates and gathering information from different sources can help to keep the bad apples out of your barrel. The advice here is geared to volunteers, but most of the suggestions apply to employees as well.

Weeding Out Some Risks

Taking control over your staff selection process helps you distinguish the grass from the dandelions—*before* the weeds become well-established. Belligerent, mean, or incompetent volunteers can deflate organization morale, reduce effectiveness, or damage your reputation by mistreating the people you serve. Your best protection is to establish screening procedures and requirements *before* you recruit people.

Each of the six steps in the selection process outlined here presents opportunities to control or avoid future problems, as well as to choose candidates who will do a good job. The flip side is that each step has

potential traps. For example, rejecting someone can lead to a discrimination claim. You can cross the mine field by acting consistently and communicating clearly. Try to keep interactions with applicants pleasant and open. An open atmosphere throughout your organization can help you make the best choices, recruit and retain good people, and save lots of headaches. The first trap to step around is sensitive information that you obtain about applicants should be kept confidential.

Step 1: Position Descriptions

A written position description for each volunteer post is the best foundation for successful volunteer selection. Written position descriptions reduce risks by:

- Establishing and communicating what the person is supposed to do, is expected to do, and is not to do.
- Focusing on the *qualifications* for the job; decreasing the chance that irrelevant or impermissible factors, rather than ability, will be the selection criteria.
- Serving as a tool to assess risks and choose the proper level of screening.
- Providing documentation, when necessary, to show that a volunteer was acting outside of his or her assigned duties. *Be careful, though.* The written job description can be turned on you if people regularly work outside of their positions with tacit approval. Rework the description when someone takes on more responsibility.

Items for a Position Description

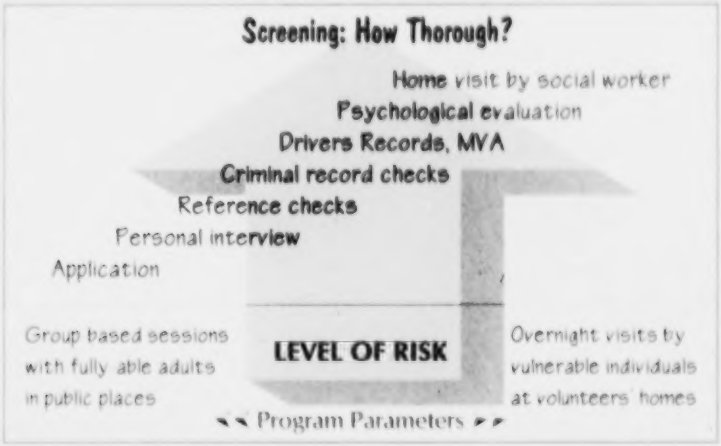
- Job title
- Purpose/function
- SPECIFIC DUTIES
- Qualifications and desired skills (minimum qualifications should be justified by the work to be performed)
- Supervisor
- Time commitment (minimum/maximum limits)
- Training/Orientation provided
- Location where service is to be performed

- Establishing limitations and barriers—such as maximum time with client, location, and supervision requirements—that may discourage undesirable individuals from infiltrating your program.

Step 2: Screening

Unless you accept everyone who walks in off the street, you are already screening. Using a structured procedure replaces haphazard, and potentially arbitrary, decisions with a fair and defensible method. Methodical screening doesn't eliminate reliance on your gut feeling; you may subconsciously pick up clues about a candidate's suitability. You can leave room for intuition in your selection process, but use it as a basis for further inquiry.

As the sensitivity of the volunteer assignment increases, the need for multiple and more thorough screening procedures rises. At the low risk end of the spectrum is a volunteer who assists each week in copying and filing newspaper clippings or someone who helps organize groceries for the food bank. At the high risk end is a guardian for an elderly person with Alzheimer's disease or a mentor for a child in a program involving unsupervised overnight visits at the mentor's home.



Using multiple screens increases your chance of finding the best volunteers and rejecting the worst. Layered screening procedures may expose people who aren't telling the truth by revealing inconsistent responses. In addition, the thoroughness of the process may discourage applicants with something to hide.

Some people are afraid that extensive screening will scare away potential volunteers. Fortunately, many successful programs have demonstrated that thorough screening can be done. Most candidates will understand the reason for a thorough process when you explain your organization's concern that clients be served *and* protected. Once again, open communication is key.

Screening Guidelines

- **Use the position description** to evaluate the responsibilities of and supervision for the position. This analysis provides the basis for developing appropriate screening procedures.

- **Gather all of your data before making a judgment.** If something seems fishy to you, ask the applicant for an explanation. Be sensitive to cultural differences and your own assumptions. *Remember, the goal is to recruit the best people, even if they aren't just like you.*

- **Ask the same question in different ways** and get information from multiple sources. For example, you can trace an applicant's employment record during an interview, and then call former employers. Verifiable information, like a driving record, can give you insights that an interview won't provide. Later on you can line up all the answers and see if the dates and locations match.

- **Include others in the process.** One person may pick up signals that the other misses. Consider peer interviews or group sessions. Caveat: Limit the number of eyes that have access to sensitive or private information. Only those staffers with a legitimate need to know should review criminal and financial records, for example.

When dealing with vulnerable populations **screening volunteers before placement is not enough!** Research has found that convicted child abusers were amazed at how readily they were placed. They were even more amazed that they were unsupervised as they carried out their volunteer work while sexually abusing children. **Build ongoing supervision, training, and evaluation into your program.** Help employees, other volunteers, clients, and their guardians to recognize and report suspected abuse.

- **Be realistic. Be flexible.** Weigh the thoroughness of the screening technique against the responsibility of the position. For example, a youth-serving organization may want to sponsor a mentoring program that includes overnight visits. If the group doesn't have the resources to screen each volunteer thoroughly, it may revise the program to prohibit unsupervised contact.

- **Don't collect information you can't evaluate.** Ask yourself what you will do with the information. Some organizations set up elaborate interviewing processes or use personal-style tests such as

Myers-Briggs and don't know an E-N-F-P (extroverted, intuition, feeling, perceiving) from a J-E-R-K.

- **Make sure the information you gather is really necessary** and appropriate to the duties. Do you need to fingerprint someone who referees a fundraising basketball game?
- **Be consistent.** If background checks are important enough for some volunteers, they are equally important for *all* volunteers performing the same tasks. Failing to screen board members, prominent citizens, or others assumed to be suitable invites disaster.

Every screening technique has pluses and minuses. For example, criminal records checks are an important element of the screening procedure because they can eliminate known offenders and scare away people who have been convicted of target crimes. Nonetheless, criminal records checks identify relatively few abusers. If a position is sensitive enough to need a criminal records check, use that check in *addition* to other information you gather.

Don't make the mistake of believing that a program is too valuable to let thorough screening get in the way. Although screening procedures may seem daunting, keep your focus on protecting the people you serve and fulfilling your mission. And be creative. Maybe a psychology instructor at a local college would volunteer to help design and implement your procedures.

Step 3: Get Releases

A signed release by the applicant gets the screening process started. First, it lets applicants know you are serious. Second, some sources won't answer your questions without seeing the applicant's signed release (see "Verify Information" below). Third, it protects you from a charge of prying into the applicant's affairs without permission.

You can adapt this simple release language for most purposes, although some agencies require their own forms.

Consent to Release Information

I, _____, hereby authorize and request that you make available to any duly authorized representative of Brother Joe's Soupkitchen any information relevant to the items checked below. I hereby waive any right I may have with regard to release of this information to Brother Joe's Soupkitchen.

- ❑ *employment history*
- ❑ *criminal history*
- ❑ *personal character*
- ❑ *credit and financial history*
- ❑ *background*

Make sure the applicant signs and dates the release. Be prepared with a response if an applicant refuses to sign. Your standard policy

should prevent you from making exceptions that weaken your screening process and undermine your defense if you are sued some day. Keep the signed release on file regardless of whether you accept the applicant.

Step 4: Interview

Collecting information about the applicant prepares for an interview. The interview is an opportunity to confirm information, gauge emotional responses, and probe concerns.

To help focus the interview and keep your goals consistent for each candidate, develop a standard interview assessment form. An assessment form could include appearance, interaction with interviewer (mannerisms, ease of conversation), overall impression (attitudes, skills, interest, knowledge), strong points, weak points, recommendations, and suggested follow-up.

Prepare interview questions ahead of time. The assessment form can provide the guide. Use prepared questions to stay on track, discourage reliance on memory, and provide standard information for evaluation.

Too often, interviewers lack training or a systematic approach. That can mean trouble when a charming, but potentially dangerous, applicant steers the interview away from substantive questions about experience toward mutual interests in old movies.

Hiring Paid Staff

Although most information here is applicable to both volunteers and employees, there are some special risks in hiring paid staff—most notably prohibitions against discrimination—that may not apply to volunteers. An employment discrimination claim is a horrible surprise. When filling a paid position, you generally *cannot* inquire into the following matters. Information necessary for insurance or other legitimate purposes can be obtained *after* making an offer.

- Age (date of birth)
- Sex
- Race
- Religion
- Marital status
- Sexual orientation (prohibited in some states)
- Children
- Physical or mental disabilities or impairments

Step 5: Verify Information

Once there was a promising presidential candidate who—in response to rumors that he was having an extramarital liaison—told news reporters to follow him. They did, and he promptly proved the allegations true. How could anyone be so brazen?

The hard truth is, some people lie, so it is up to you to verify key

information on application forms and resumes. If the information was important enough to ask for, it is important enough to verify. You may discover suspended, expired, or phony drivers and professional licenses, or a fictitious university or degree. To save time, ask applicants to provide a list of telephone numbers for references, employers, and educational institutions.

Don't be surprised if employers are reluctant to provide information. Fear of lawsuits leads some employers to err on the side of silence. To increase success use the signed release and have a reference request form ready to mail out. (Some employers will only provide information in writing.)

For employment and previous volunteer service checks, always ask for start date, end date, job title, and whether the individual would be welcomed back. You may pick up a gap in employment history not reflected on the resume or application. If a former employer expresses reservations but won't give details, press the applicant for an explanation.

When checking personal references, describe the position and ask if the reference would recommend the applicant without qualifications. An awkward pause may elicit additional questioning.

Many nonprofit managers are frustrated by the "problem" volunteer who "makes the circuit," popping up from agency to agency leaving problems for staff and clients in his or her wake. The onus for a solution is really on the vigilant volunteer manager. Ask candidates for references from volunteer experiences; and give them when your peers call. Keep good volunteer records so you can answer questions; don't try to pawn your "problem" on someone else.

When checking references, don't expect to find a smoking gun. The odds are pretty good that an applicant will include only positive references. So why check? First, because you will find out more about the candidate—good as well as bad—to help you make a decision. Second, requiring references may drive away people you don't want. Third, especially when you gather information from many sources and ask redundant questions, someone may slip up.

Step 6: Evaluate and Make an Offer

Focus on the candidate's QUALIFICATIONS and not the candidate. People tend to select people like themselves. Decision-makers should be especially alert to assumptions about education, family-status, race, religion, and people with special needs and abilities.

Establish your selection criteria and policy *before* decision time. For example, do you accept a volunteer driver with three moving

violations in the past two years? Does a driving while intoxicated or reckless driving conviction automatically cause a rejection? An automatic rule could avert a difficult situation when a major contributor's daughter is the one with the bad driving record. Consistent application of your policy will help prevent mistakes and discrimination complaints.

Before you make that offer, though, institute a policy that establishes a "probationary" or "trainee" period. A probationary period gives you and the new volunteer or employee a chance to try each other out for a "good fit." If the match is poor, for whatever reason, either party can end the relationship.

Fostering Competence and Confidence

You've reduced the danger of your human risks by instituting and applying policies and procedures to select the best volunteers and employees. Now is not the time to sit back and relax. There are many more opportunities to keep surprises under control and to help volunteers and employees reach their potential through training, supervision, and evaluation. Stay on track by adopting and communicating the following goals for working with volunteers and employees.

Risk Management Goals for Volunteers and Employees

1. **People know what is expected of them.** They have a job description, operate within those bounds, and are confident that they will be treated with respect and dignity.
2. **People know how to and are able to perform their duties properly and safely.** They have the knowledge, skills, and tools to do their jobs.
3. **People know when and how to report problems or suggest changes.** They are expected to recognize potential hazards and are encouraged to propose solutions.

Meeting these three goals can forestall many painful surprises in the workplace. Try to integrate these goals into all staff interactions as suggested below.

Orientation

Use an orientation to clarify what you expect of volunteers and employees. Some orientations consist of "Hi, here's your desk. The restroom is down the hall." Effective organizations view orientations as the best way to promote good habits and convey organizational mores from day one. Those organizations control risks better.

When you design your orientation program, throw your assumptions aside. Although "confidential" is clear to you, new volunteers may think that as long as they don't "name names," they can regale their friends with fascinating stories about clients.

Provide an orientation packet/checklist. Include the position description, your personnel manual or guidelines, your risk management policy statement, and other important policies. Try to take the time to provide an overview of your policies and risk management goals for staff. This reinforces the organizational commitment to risk management and communicates the information. Many people consider policy as secondary to the task at hand and will put policy manuals aside. You can use the orientation to counteract this tendency.

Training

Whether the job is lifting heavy boxes or counseling victims of domestic violence, proper training enables people to do it well. Well-trained, well-informed employees and volunteers are less likely to make mistakes and more likely to do good, satisfying work.

The Red Cross—which has more than a million volunteers—makes sure that each volunteer goes through orientation and training *before* going out in the field. Training provides skills and knowledge to perform the job. Once again, assumptions about people's knowledge are dangerous. People come from a wide range of backgrounds and experiences, so it is up to you to make the definitions of your terms clear. One technique is to have someone unfamiliar with your organization or services review your policy manuals or training guides for "jargon" or special uses of common terms.

Simply presenting information without follow-up to ensure appropriate behavioral changes won't do the trick. Most people think of grade school—with a teacher lecturing from the front of a room—when they think of training. This is not an effective way to train adults. Structure training to allow people to interact with the material.

Provide opportunities to practice the techniques being taught. Could trainees role play a crisis call? *Safely* practice a new procedure on each other?

Position	Competency Training	Risk Management Training
Stocker in food bank	Boxes are moved from the delivery truck and stacked against the wall.	Proper lifting techniques to avoid back injury.
Safehouse counselor	Begin with nonthreatening questions to put the caller at ease.	Procedures to protect the safety and confidentiality of clients.

Training must be ongoing if you want to meet your risk management goals. Training and in-service programs can help staff stay on top of new techniques and trends, expose and correct bad habits, and reinforce the good.

Consider using peer support sessions in which volunteers meet to discuss general or specific concerns about their positions. If you can prevent these sessions from degenerating into gripe fests, they can be a great forum for brainstorming and problem solving. Some organizations require these sessions for staffers in stressful positions or those working with vulnerable populations. A trained facilitator or observer can use this opportunity to monitor individuals for burnout or other danger signs.

Supervision

Supervision means more than assigning tasks and monitoring progress, or lack thereof. Supervisors need special skills to meet their responsibilities. Promoting a competent volunteer or employee to a supervisory role without providing support and training can be a BIG mistake.

Supervising someone working within the confines of your headquarters may seem feasible, but what about volunteers working on their own, off-site? Crisis hotline operators working out of their homes and mentors involved in an ongoing match take special effort to supervise. Organizations that have volunteers who work autonomously must establish reporting and monitoring procedures to meet their supervision responsibilities. Have the volunteers regularly keep logs or journals of their activities for a supervisor to review. Schedule ongoing in-service training to build their skills and decrease feelings of

isolation. Volunteers who do not comply with reporting and training requirements jeopardize your organization.

How Supervisors Control Surprises

- Retaining competent volunteers and employees.
- Developing suitable procedures.
- Ensuring that staff has proper tools and training.
- Establishing appropriate safety rules.
- Attending to dangerous situations by either correcting or warning.
- Monitoring staff performance.
- Maintaining an open line of communication with staff.

Evaluation

Evaluation is both the end and the beginning of helping volunteers and employees meet their risk management goals. The purpose of evaluation is to reinforce or make changes in behavior. By basing evaluations on position descriptions, you can give fair and appropriate feedback that helps keep the organization functioning as intended.

Institute formal personnel reviews for both paid and volunteer staff. Prepare a standard assessment sheet to help evaluate performance and maintain a record of the results. Take this opportunity to review your risk management goals and ask how you can help everyone to meet them.

Evaluate performance honestly, even though the truth may be unpleasant. Don't say performance is "good" or "satisfactory" when, in fact, it is unacceptable. Be specific about weak performance areas. Explain techniques or training that the person can use to improve. Reinforcing and rewarding positive behavior makes the evaluation process productive for everyone.

Last, you don't have to wait for an anniversary to evaluate staff. If you notice a volunteer reminding a peer to lift boxes safely, make your approval known. If you overhear a counselor ignoring policy and hinting that a client can find refuge on her couch, correct the counselor and consider whether you need to do more than reprimand.

Termination

Termination is an important, if unpleasant, risk management technique. It is the way to rid your organization of unsatisfactory volunteers before they cause additional harm. A record of "firing" inappropriate volunteers can also provide a defense against allegations that your organization tolerated incompetent staff.

Supervision and evaluation, with written documentation, provide the basis for terminating volunteers and employees. Because the stress of terminating someone impairs memory and increases the likelihood of error, the termination process should be conducted according to an established procedure that clearly accords with the law. If possible, a witness should be present.

In addition to the general guides above, be on the lookout for these particular scenarios. Consistency is your most important risk management tool in these situations.

Special Situations

Substitutes

Because substitutes are generally less familiar with an assignment, they tend to cause more problems and accidents. The temptation to press willing but unqualified individuals into service can lead to all sorts of unwelcome surprises. Depending on the circumstances, the better option may be to cancel, postpone, or modify an activity. Maintaining a pool of qualified substitutes may be necessary for activities that must go on. One source may be retired or former workers who left on good terms.

Occasional help

People who serve only a few hours per week or month can be more, rather than less, of a danger. That's because they don't get as much practice and may take much longer before they feel like part of the organization—and risk management—team. Take time to select, orient, train, and evaluate them, too. Be particularly alert during special events or emergencies when you may feel that any warm body will do.

Old-timers

People already in their positions may resist changes you need to make to control risks. People will complain that they don't like the formality. They may not appreciate a job description cataloging their tasks. They may even think that risk management shouldn't apply to them since they do just fine without it. Your challenge is to get current volunteers and employees to accept and embrace the organization's risk management philosophy. Enlist their support and help in developing risk management goals so everybody understands their importance. Ask for their input, and include them in training. Don't grandfather them in. And don't let them derail your commitment. No matter how

Your challenge is to get volunteers and employees to accept and embrace risk management.

valuable, a staffer who won't get with the program is part of your risk management problem, not the solution.

Promoting Safety

Accidents don't just happen. The SafeKids'™ campaign uses the word "injury" instead of "accident" to dispel that belief. Every accident has a cause and almost every accident's cause can be eliminated or controlled. The first step in preventing accidents is to recognize that you *can* do away with many of the villains that threaten the health and effectiveness of your organization.

Many people associate "safety" and "safety-programs" with earplugs on a factory floor or hardhats on a construction site. Workplace safety, for them, is synonymous with blue collar jobs.

The collars that volunteers and employees in community-serving organizations wear are blue, pink, and white, and the potential for injury runs across the color spectrum. Safety initiatives can include the office manager using a stepladder instead of a swivel chair to reach a top shelf, placing computer monitors and keyboards at the proper height, and requiring caretakers to use a fresh pair of surgical gloves each time they change a baby's diaper.

Everyone Plays a Part

Every volunteer and employee is responsible for a safe workplace. Think of your staff as the in-line lights on a Christmas tree. When one goes out, the entire line becomes dark. Everyone depends on everyone else to guarantee a safe environment for employees, volunteers, clients, and the public.

Position descriptions should include responsibilities that reflect your commitment to safety.

Each person's position description should include responsibilities that reflect a commitment to safety. For example, the executive director should insist that safety procedures be adopted and followed. Supervisors should train everybody to do their jobs safely, as well as efficiently, and to respect the rights of others. Supervisors should also be alert to recognize when someone is too exhausted or distracted to perform the job safely. Paid and volunteer staff should be required to report all incidents and "near misses" to a supervisor.

Maintaining a Safe Workplace

The essence of your safety program is the three C's of risk management. *Commit* your entire organization, from director to occasional volunteer, to maintaining a safe workplace. *Communicate* your safety message, policies, and procedures to everyone: employees, volunteers, and clients. To paraphrase Huey Long, "Tell them early and tell them often!" *Consistently* follow your own rules. Don't let an "emergency" throw off your safety protocol.

Generally, following a safety rule, like buckling a seatbelt, takes only a moment. This fraction of a second delay has a safety function, too. Following a procedure can keep staffers in control. Doing things in a different order or skipping steps to "hurry up" can lead to confusion and injury. Stick with the familiar, *especially* in an emergency.

Emergency Preparation

- Fire extinguishers are annually inspected by a state-licensed [illegible]
- Fire [illegible] each month.
- First aid supplies are [illegible] accessible.
- First aid supplies are periodically inventoried and refreshed.
- Emergency phone numbers are posted (fire, ambulance, police, hospital).
- Emergency procedures are posted, practiced and performed.

Safety Program Elements

1. Inspections. Safety inspections are the backbone of a loss control program. As you walk through the work area, look not only for unsafe conditions, like teetering bookcases, overloaded electrical outlets, and open file cabinets, but also for unsafe behavior, like people using swivel chairs as step ladders.

To guide your inspection, you can start with the "Safety Checklist" below. More extensive checklists are available in safety and risk management manuals. Your insurer also should be able to provide you with a checklist. Any checklist will be better if you modify it for your specific circumstances.

2. Safety Training. Safety training begins on the first day of work. It is most effective when supervisors demonstrate by example a real belief in, and support of, safe practices. Confirm that all volunteers and employees, old and new, understand their jobs and safety procedures. Have them do the job with coaching as needed. Make sure that

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safety training is part of all training. (See "Fostering Confidence and Competence" for additional suggestions.)

3. Accident Investigation. The basic objective of an investigation is to acquire as much pertinent information as possible concerning an accident to determine how a similar accident can be prevented. Safety investigations are not designed to assign blame, but to determine the cause of an accident. With few exceptions, an unsafe physical condition or an unsafe act or a combination of both causes every accident. Use your accident investigation as a basis to review and develop safe policies and procedures.

"Near misses" should not be ignored. They represent accidents waiting to happen. Reporting, investigating and taking corrective action for those brushes with danger may thwart the worst.

Picture an organization that uses commercial vans to transport seniors to and from its senior center. One day a driver narrowly avoids backing up into a child who was riding a bicycle across the driveway. Following procedure, the driver reports the incident as a "near miss." An investigation shows that:

1. Children regularly ride bikes past the driveway, especially right after school lets out; and

2. Drivers cannot see the small cyclists immediately behind their vehicles.

As a corrective action wide-view mirrors are added to the vehicles and drivers are instructed in their use. In addition, during after school hours a spotter is assigned to make sure the coast is clear.

Safety Checklist

- ✔ *Lighting*—Proper illumination is important for safety and security as well as for reducing eyestrain. Check lighting in stairways, entrances, emergency exits, and parking areas, as well as in individual work areas.
- ✔ *Exits*—Exits should be easily accessible and clearly marked. Imagine a visitor trying to find the exit when smoke obscures everything more than five feet above the floor.
- ✔ *Ventilation*—Sick buildings have been blamed for headaches, sore eyes, and respiratory and other ailments.
- ✔ *Noise levels*—Excessive noise levels are not only on the shop floor. Typewriters, computer printers, and even radios played loudly interfere with concentration and may cause hearing damage over a prolonged period.
- ✔ *Hazardous materials*—Paint, gasoline, copier fluids, toner, nail polish remover, cleaning supplies like bleach or ammonia, and other hazardous materials should be clearly marked and properly stored. Special disposal arrangements may be necessary.

✔ *Temporary conditions*—The safety of a facility tends to decrease over time and throughout the course of a day. Watch especially for slipping or tripping conditions on the floors or stairways that should be taken care of at once. Slipping hazards include water, coffee, light throw rugs, slick paper, and pencils. The most common items in your office can be hazards.

Ergonomics

Office workers, once considered safe from workplace hazards, are lining up to file workers' compensation claims. A surge in back strains and repetitive motion injuries, like carpal tunnel syndrome, is causing employees and employers alike a lot of pain. A modern safety program includes steps to avoid injuries that occur over time, not just those that occur suddenly.

Properly designed workstations include chairs, keyboards, and monitors with heights that can be adjusted by individual users. Wrist rests, anti-glare screens, copy holders, and proper body alignment can also provide preventive relief.

Modifications need not be costly. A tube sock stuffed with cardboard strips can be pressed into service as a wrist rest. An old phone book can have a second life as a foot rest.

Volunteer and Employee Behaviors

You can reduce the likelihood of injuries by effective selection, training, and supervision. Incompetent staff are not only annoying, they're hazardous! Poorly trained staff are more likely to hurt themselves and others. Watch for bad habits, like the receptionist who cradles a telephone on his shoulder for seven hours each day, and bad attitudes, like a volunteer exposed to body fluids who refuses to use surgical gloves because they "get in the way."

Driving

Any organization that depends on volunteers or paid staff to drive while performing their duties has a special risk management challenge. According to the Office of Safety and Health Administration (OSHA), nearly one third of all "workplace" injuries result from traffic accidents.

People often take the responsibility of driving motor vehicles for granted, since many of us use our cars more often than our feet. You can begin to combat that tendency by thinking of cars as one-ton projectiles traveling at high speeds.

Require employees and volunteers to follow defensive driving practices. Consider requiring a defensive driving course. The Ameri-

can Association of Retired Persons offers "AARP 55 Alive" drivers training in many communities. Videos offer an alternative to a hands-on course. (See "Resources" for more information.)

The following rules can be part of your driver safety program.

- Wear seat belts at all times while driving and require all passengers to wear seat belts.
- NEVER drive a vehicle when tired or taking medication that causes drowsiness. And *never* get behind the wheel after drinking alcoholic beverages.
- Make sure vehicles are properly maintained and inspect the vehicle before use.
- Use reverse gear as little as possible. A disproportionate number of accidents occur when vehicles are backing up.
- Drive with headlights on. Even on a bright day, headlights make your vehicle easier to see.

Workers' Comp

Any program with paid staff has reason to be concerned about workers' compensation claims, premiums, and fraud. Although this topic is too big for this handbook, below are a few tips to help hold down comp claims and costs.

- Provide a safe workplace.
- Include workers' compensation information in employee manuals and orientations. Make sure employees understand what workers' compensation is, what is covered under what circumstances, how to file a claim, and what to expect. Many employees turn to outside legal counsel because they don't understand the process.
- Call injured employees at home or at the hospital right away. Ask how they are doing and let them know that they are valued and missed.
- Maintain contact while the employee is recovering. Put the employee on your mailing list, and periodically call to keep him or her in the loop.
- Establish a light duty program—when possible—to help employees get back in the workplace ASAP.

Managing Money

No organization can afford to let waste, theft, fraud, or simply sloppy accounting drain its resources. Fortunately, financial risks are among the most controllable. Good internal control procedures and adequate security can all but assure that your funds will be used as intended.

Appropriate financial procedures vary greatly depending on the size of organization, but the underlying concepts are the same. Plus, placing tighter controls on bigger amounts of money makes sense regardless of an organization's size.

Every organization with money to lose can use the following strategies to protect its funds.

Simple Safeguards

Three facts provide the basis for protecting money. First, theft and embezzlement often occur when desire meets opportunity. Second, mistakes can cause more damage if they aren't discovered quickly. Third, the harder someone has to work to steal from you, the less vulnerable you are to theft.

Standard financial management procedures are designed in light of these three facts. Double entry bookkeeping helps expose errors. Using two or three precautions increases security. For example, requiring two signatures on big checks and having a bookkeeper reconcile checks against bills can thwart an embezzler.

☑ Division of Tasks

Dividing responsibilities for financial matters reduces financial risks. A staffer or board member who commits a theft or error should not be in a position to cover it up. Does one person write checks *and* balance the checkbook? Open the mail containing checks *and* make deposits?

Ideally, one person authorizes, another performs, and a third reviews. Rotating assignments and mandating vacations during which duties will be performed by someone else helps too. Embezzlers are sometimes tripped up because they get sick and someone else does their job for the day.

Ideally, one person authorizes, another performs, and a third reviews.

☑ Proper Use of Funds

A variety of problems can arise unless funds are spent and accounted for properly. Funders may disallow legitimate expenses that are improperly documented or charged to the wrong account. The IRS can revoke the tax-exempt status of an organization that deviates from its "exempt purpose." Lavish expenses and exorbitant salaries betray public trust even if they are lawful. Clear expenditure guidelines can prevent both legal problems and "bad press."

☑ Systematic Recording, Filing, and Retention

Favoring creativity and spontaneity over consistency and conformity may lead your organization to success—except when practiced in the accounting department. Tried-and-true, albeit boring, standard accounting procedures can help to keep your financial affairs on track. (See *Accounting & Financial Reporting: A Guide for United Ways and Not-for-Profit Human Service Organizations.*)

Computers are terrific aids in maintaining an orderly system. They can also lull you into a false sense of security that the numbers they produce are right. As smart as computers are, they do a poor job of

catching our mistakes. A spreadsheet program will let you move rows and columns anywhere you want, but it won't tell you whether the items you moved are still included in the totals.

Calendar-based routines can prod you to do what needs to be done whether you want to or not. Make an accounting calendar to remind you of tasks. Check them off when completed. You can find all the federal tax filing deadlines in IRS Publication 509 (Tax Calendars) and get instructions for Form 990 in IRS Publication 557, see "Resources."

Items for an Accounting Calendar

- Weekly time sheets signed by employee and supervisor
- Monthly internal financial statements
- Checks each pay period to insurance companies or other vendors entitled to the money from payroll deductions for employee benefits
- Payroll tax payments as the government requires
- Annual report forms to the state IRS Form 990 for organizations with revenue over $25,000 and/or other tax returns
- Annual audit or other review

Once created, most financial records need to be retained. Your financial advisor should be able to provide you with a list of time periods for each type of information. Tax returns of charitable organizations for the last three years must be available for public inspection. Some advisors recommend retaining them indefinitely. Records that cannot be replaced or would take tremendous effort to replace should be adequately protected: a locked, fireproof container; bank safety deposit box; or other secure off-site location might be best.

☑ Cash

Cash is a thief's favorite item and one of the most difficult to trace once stolen. The best strategy for protecting cash is to minimize it. Encourage payment by check or credit card. If you must take cash, try to build procedures around security, like counting and documenting the till before and after each shift and making sure that more than one person is present when money is counted. Petty cash should be as inaccessible as possible if it can't be eliminated altogether.

Security procedures for special events are especially important because of increased risk. Use tickets if you have multiple points of sale; to decrease cash handling, sell tickets at one central location that can be redeemed for whatever you are selling. Make sure that your "No Refund" policy is clearly posted. Institute cash pick-ups to

minimize money in cash drawers. If possible, accompany anyone carrying large sums of money with a security guard. Deposit all cash nightly.

☑ Checks

"Never sign a blank check" ranks with "don't play with matches" in the category of simple rules that should never be broken, but often are. Some of the other rules for handling checks are nearly as important, although less well known. Voided checks should be clearly marked "VOID" and kept rather than destroyed. Checks received from others should be immediately endorsed "For Deposit Only" with your bank account number. They should be deposited as soon as possible to prevent loss or theft. The checkbook itself is best kept under lock and key.

☑ In God We Trust, Others ...

We would like to trust people. Scoundrels know that and use trust to their advantage. Research has convincingly shown that even people who consider themselves excellent judges of character cannot reliably tell whether a person is lying. Because we cannot always pick out the scoundrels from the saints, trust tends to undermine risk management.

Carefully selecting financial staff—conducting background checks as appropriate—can help guard your finances. So does being alert for the danger signs that a volunteer or employee may yield to temptation. The typical embezzler has been with an organization for a long time in a trusted capacity. People having personal financial problems or living beyond their means are more motivated to take home a little extra. You don't have to become a spy, just be observant and willing to acknowledge that people do commit crimes. Recurring errors, missing documents, and procedural irregularities are red flags. Purchasing a fidelity bond, which reimburses you for losses from staff's dishonest acts, provides a source of recovery if your precautions fail.

☑ Asset Protection

When a state chartered bank failed in Nebraska a few years ago, its depositors wished they had chosen a bank backed by the Federal Deposit Insurance Corporation (FDIC). Maybe their failed bank offered convenience, but risk management favors security. Even funds at federally insured banks are protected only to $100,000 *per depositor*. The more assets an organization has, the more it needs to diversify those assets to reduce the risk of losing them all.

Other controls depend on the nature of an organization's assets. *Internal Control: A Self-Assessment Workbook for Not-for-profit Social Welfare and Human Services Agencies* offers hundreds of suggestions.

Special care should be exercised when those assets are legally the property of others. For example, the funds in a pension plan may belong to your employees and retirees. Consequently, the law imposes a higher fiduciary standard of care.

Securing Records and Handling Sensitive Information

Many lawsuits result from a slip of the lip! Carelessness with words can have disastrous consequences. Releasing inaccurate information or improperly releasing confidential information can ruin someone's reputation.

A center for hearing-impaired residents in Fort Myers, Florida, discovered the importance of respecting confidentiality when the center's clients sued. The clients alleged that their conversations had been recorded and released to board members and funders to demonstrate the center's good work. Clients regarded that as a blatant invasion of privacy.

The Fort Myers center could have respected the rights of its clients by keeping the conversations confidential or by asking permission to release transcripts. Honoring individuals' right to decide whether they want personal information to be made public respects their dignity and satisfies the law.

Any organization committed to protecting privacy and securing sensitive information must establish safeguards and stress to staff the importance of compliance. Breaches of privacy and loss of records commonly result from carelessness: like client files left on a restaurant table or loud conversations within hearing distance of outsiders. Clear rules provide essential guidance. Physical security, like locked filing cabinets and computer passwords, protect against prying.

Recordkeeping Nightmare

The new treasurer for the Silver Spring Chamber of Commerce offered to audit the organization's financial records—but couldn't find any. "We basically had a drawer full of paper clips," said former vice president Bruce Lee. They found no accounting books, no financial statements, no minutes of board meetings—not even a formal list of members and the dues they had paid. The IRS informed them that tax forms had not been filed for ten years. *The Washington Post*, April 8, 1993.

Who really *needs* access to information about your employees, volunteers, and clients? Asking that question can help you to balance privacy interests against legitimate reasons for sharing information. Does everyone need to know which of your volunteers is serving because of a court order or has AIDS?

Records Requiring Special Care

- Articles of incorporation or charter and bylaws
- Tax filings and determinations
- Insurance policies: current and expired (an expired policy may cover claims arising from past incidents)
- Personnel records
- Client records
- Case histories
- Research data that has identifiable sources
- Proof of purchase and ownership
- Contracts, deeds and leases
- Licenses

As computers become more common, preservation of information stored on disk becomes more important. Data can be wiped out by a virus, equipment malfunction, theft, fire, and simple "operator error." Are your computer systems backed up every day? Where do you keep the back-ups? Leaving them in the same office won't help if fire strikes. Even if disks are in a fireproof container, the heat of a fire can ruin them.

Limiting access to records is generally a good idea, but it must be reconciled with the rights individuals may have to see information about themselves. Schools receiving federal funds must comply with Buckley Amendment rules for student records; most government entities are subject to public records laws; and medical service providers may be governed by patient rights provisions. Laws in some states give employees access to their files and impose other access requirements.

Putting Agreements in Writing

Mark Twain is credited with the observation that "oral contracts aren't worth the paper they're written on." Twain exaggerates, but his exaggeration contains wisdom. Most agreements—except those for real estate and services to be provided for more than one year—need

not be in writing to be legally enforceable. You probably have made contracts many times without realizing it. As experience has repeatedly demonstrated, though, unwritten contracts can cause unnecessary headaches.

Putting an agreement in writing serves several goals. First, a written contract provides an indisputable, although not necessarily unambiguous, record of the agreement. You may remember the terms clearly, but will the other party? Will you always be around? The law gives great weight to written, signed, documents.

Second, the process of committing an agreement to writing forces both parties to be clearer about the agreement. Reaching a meeting of the minds at the contract stage reduces legitimate disagreements later about what each party is supposed to do. It also provides a chance to reflect upon the wisdom of entering into the agreement. Agree in haste, regret at leisure.

Third, whether you are making a purchase or offering to provide goods or services, a written contract can protect your interests. It can also ruin your organization. Keep that in mind when you're preparing to sign a contract you haven't read or don't understand!

The items listed below are common for volunteer organization contracts. The list is not exhaustive, however. A lawyer familiar with the subject matter of the contract can provide more specific guidance.

Key Contract Elements

✔ **Scope of Work**
What is to be done? Where? Who is responsible for what? Who decides whether the work is satisfactory? Is a specific person to do the work?

✔ **Deadlines and Duration**
When is the work due? When is payment due? Are interim dates important? Is the contract to end on a certain date? Are these dates flexible or absolute?

✔ **Money**
How much will it cost? Is the price fixed or variable? If variable, are there controls: maximum amount, approval for large or unanticipated expenses, receipts required? Will funds be advanced? Will penalties be imposed for lateness or nonperformance and, if so, are there exceptions for good cause?

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✔ **Recordkeeping and Reporting**
Who is responsible for any necessary recordkeeping and reporting, including financial information? How long are records to be kept? Do funders—the federal government is especially picky—require particular records or reports? Will the confidentiality of sensitive records be adequately protected?

✔ **Rights to Work Products**
Who holds the copyright of any resulting publication? What rights does each party have to information collected under the contract?

✔ **Liability Protections**
Is the contractor to carry liability insurance? Workers' compensation? Will a certificate of insurance be provided? Should either party agree to indemnify the other?

✔ **Dispute Resolution**
Which state's law will govern? Where can a lawsuit be filed? Are disputes to be submitted to mediation or arbitration? Will the loser pay the winner's attorney's fees?

✔ **Legal Compliance**
Is unlawful discrimination clearly prohibited? Will verification be provided of mandatory licenses and certifications? Federal grants and contracts may penalize you for a subcontractor's failure to comply with certain rules.

✔ **Contracting Process**
Does the contract prohibit oral side agreements? What are the amendment provisions? How can you get out of the contract? Can the contract be immediately suspended for good cause? What happens when the contract ends?

Insulating Your Organization Against Lawsuits

In general, a nonprofit organization is liable for harm it causes. (See *State Liability Laws for Charitable Organizations and Volunteers* for specific state laws.) Volunteer protection laws block some suits against volunteers, but they do not eliminate liability for the organization itself. In lieu of immunity, volunteer programs may be able to use waivers and other techniques to create liability shields.

Liability Shields

Effective liability shields are very difficult to create because public policy strongly disfavors private agreements that limit an injured person's right to sue. To protect the public, courts closely scrutinize the fairness of an agreement. Attempts to dodge responsibility for deliberate misconduct or even carelessness *almost always fail.*

A lawyer's assistance can help to create an agreement that meets the tests for validity in your state. Because liability shields are unreliable, you should always be prepared for a claim anyway.

Waivers

"I won't sue you." That's probably what you want from a waiver or a release. (Here we use "waiver" and "release" interchangeably, although lawyers may limit "release" to an agreement relinquishing a claim for an injury that has already occurred.) In the eyes of the law, a waiver is a contract. If you want a waiver to be valid, you must give something in exchange. If you ask people to sign a waiver but allow them to participate on the same terms whether they sign or not, the waiver is probably invalid.

Most waivers fail because they do not adequately describe the risks of the activity and the consequences of signing. Everyone signing the waiver must be clearly informed about dangers so they can intelligently decide whether to accept them; like exposure to tuberculosis, poisonous snakes along a hiking trail, or placement in a violent crime area. The parents of a girl in Pennsylvania who suffered a ruptured spleen while playing on the boy's football team challenged the mandatory waiver they signed because it did not warn that she might suffer serious injury of a vital organ.

If you want a waiver to be valid, you must give something in exchange.

The girl's parents sued on her behalf because minors can't bring suits on their own. Minors also cannot validly sign waivers. Thus, waivers for minors or incompetent individuals are more difficult to obtain. Some states simply do not permit parents to forfeit their children's rights, and no court will readily enforce a waiver against an injured child.

Regardless of their validity, waivers can serve two valuable functions. They encourage all parties in the activity to recognize the risks and take appropriate precautions. They also create a psychological deterrent to a lawsuit. A person who has signed a waiver may be less likely to sue.

Informed Consent and Participation Forms

In part because valid waivers are so hard to get, many organizations

rely instead on informed consent, which provides some of the same benefits. A good informed consent procedure eliminates claims alleging that the injured party would not have participated if aware of the dangers. Informed consent provides a defense against the assertion that, "If I had known I wouldn't have done it." Without informed consent, those claims may succeed even if an injury does not result from the organization's negligence.

For example, a volunteer canvasser who is raped might sue her sponsoring organization because she was not informed that she would be going into a high crime neighborhood. A proper informed consent procedure could have foreclosed that claim.

As with waivers, informed consent procedures must provide clear, sufficient, information about the dangers. Parents of a boy who drowned on a school band trip sued despite having signed a consent form. They claimed that they would not have signed if they had known the hotel had a pool. Consent must be *informed*. It also should be obtained in writing and retained with documentation of the information provided to the signer.

Collaboration

Risk management becomes a bit more complex when two or more organizations work together. The key to limiting liability from collaborative efforts is to clarify responsibilities. "We thought they were taking care of it," is not much of a defense.

Clarification of each organization's insurance and indemnification arrangements—who pays if there is a claim—can also prevent unwanted surprises. In the absence of any agreement, each organization may be financially responsible for a claim. The techniques described below can protect your organization from a financial loss by shifting responsibility to another party.

What if the other party tries to shift the loss to you? When you want to use a facility or otherwise conduct activities that expose other parties to liability, you may be asked to protect them. Familiarity with each of the techniques described here will help you decide whether to agree. (For more information on controlling risks when undertaking a volunteer program in conjunction with a business firm, see *Managing Legal Liability and Insurance for Corporate Volunteer Programs.*)

Certificate of Insurance

Obtaining a certificate of insurance from a collaborating organization provides evidence that the organization has insurance. Absent special circumstances, limits for the coverage should be at least as high

as the limit for your own general liability insurance policy. Ask for a 30-day notice to you in the event of cancellation or non-renewal of the policy.

Having a certificate of insurance reduces the likelihood that your organization will pay a claim because the organization you collaborate with is uninsured. By itself, though, a certificate of insurance does not prevent lawsuits against your organization nor does it increase your own insurance coverage. It does not even assure you that the organization is properly covered for the claims you most fear. Only a careful examination of the other organization's policy gives you a complete picture.

Turn to a lawyer and/or insurance professional for help with any of the following:

- Waivers
- Informed Consent
- Certificates of Insurance
- Additional Insureds
- Hold Harmless (Indemnification) Agreements

Additional Insured

Requiring the sponsoring organization to add you as an additional insured on its liability insurance policy gives you extra insurance protection. To obtain this protection, the other organization asks its insurer to add your organization to its liability policy's coverage, either for a specific event or for all purposes *before* an incident occurs. If your organization is later sued on a claim arising from an incident that is within the scope of the policy, you will be entitled to protection under that policy. To verify, obtain a certificate of insurance that acknowledges both the coverage and its applicability to claims against your organization.

Hold Harmless (Indemnification)

Requiring the sponsoring organization to sign a hold harmless or indemnification agreement obligates that organization to cover your expenses if anyone sues. The agreement functions by requiring the sponsoring party to pay on your behalf; it does not grant you immunity from being sued. Thus, it is useful only if the organization that indemnifies you has substantial assets or adequate insurance. A hold harmless agreement should be combined with a certificate of insurance that verifies the amount of insurance coverage and applicability to your organization's risks. Most insurance policies specifically *exclude* "liability assumed under contract."

For assistance in making any of these arrangements, you may need to work with your lawyer and/or insurance representative.

Heeding the Law

Most of this handbook is devoted to risk management strategies that are advisable regardless of the law. In this section the focus shifts to legal compliance as an aspect of risk management. The material here alerts you to some of the most common legal pitfalls for volunteer programs.

The brief treatment of legal issues in this volume cannot compare to the 1,274 pages in Howard Oleck's *Nonprofit Corporations, Organizations, and Associations*, or even the Nonprofit Risk Management Center's *Volunteers and the Law*. Moreover, because laws affecting volunteers vary across the country, state-specific guidebooks and seminars are especially valuable. Some state volunteerism offices have published legal guides for volunteer organizations—Georgia, Maryland, South Carolina, Virginia—and several state associations of nonprofits offer an array of publications and workshops on state law issues. (See National Council of Nonprofit Associations in "Resources.")

If you receive federal grants or contracts, you are subject to another substantial set of laws beyond the ones discussed here. A standard attachment to your grant award or contract lists compliance conditions that the government takes seriously. Several Office of Management and Budget (OMB) publications provide additional guidance. Your accountant should be able to help you get copies.

Legal Compliance Problem Areas

- **Taxes**

Failure to pay taxes—and pay them on time—can result in stiff fines and penalties. Even an organization (other than a church) that pays no federal tax must ordinarily file a tax return (Form 990, 990PF, or 990EZ) if its annual revenue exceeds $25,000.

Organizations with employees must withhold federal income tax and FICA and may also be responsible for state income tax withholding. The IRS demands withholding payments on time ***without exception***. "Profits" from commercial ventures may be subject to the unrelated business income tax (UBIT). Selling goods or services may also trigger federal or state tax obligations.

- **Involvement in the Political Process**

Involvement in governmental affairs may cost an organization its federal tax exemption. Although that possibility should not scare

every organization out of the political arena, it does require care to determine which activities are permissible. (See *The Nonprofit Lobbying Guide*).

Permissibility depends on an organization's federal tax exemption and the type of activity. Charitable organizations exempt from tax under Section 501(c)(3) are strictly prohibited from involvement in political campaigns for public office. They can attempt to influence legislation, however, provided their efforts are not "substantial." Other types of tax-exempt organizations can lobby without limitation, but they may be taxed on political campaign expenditures. Use of federal funds for such purposes is strictly prohibited regardless of tax status.

Fundraising

States are increasingly regulating charitable solicitations and changing those requirements periodically as the courts rule on their validity. Rules typically require registration and posting a bond prior to conducting door-to-door solicitation. "The Annual Survey of State Laws Regulating Charitable Solicitations" is an inexpensive survey updated yearly by the American Association of Fundraising Counsel. Another resource is the National Society of Fundraising Executives, which has chapters in many states.

Access by People with Disabilities

Since the public accommodations rules of the Americans with Disabilities Act (ADA) took effect in 1992, many organizations have been required to make their programs accessible to individuals with disabilities. These ADA provisions apply to organizations that offer services to the public regardless of organization size or charge for the service. The Girl Scouts were among the first to be sued under the Act by a scout who uses a wheel chair who wanted to attend camp. Organizations must make accommodations that can be accomplished "without much difficulty or expense" and would not impose an "undue burden" on the organization. Because the language of the Act is somewhat ambiguous, exact requirements are unclear. The U.S. Department of Justice enforces the public accommodations standards, see "Resources."

Member Relations

An organization with members is subject to special legal rules designed to protect members' and potential members' interests. Arbitrary or discriminatory exclusion, penalization, or expulsion of members may violate state law. Voting rights and procedures, including the use of proxies, may also be regulated. (See *Nonprofit*

Organizations: Rights and Liabilities for Members, Directors and Officers.)

An unincorporated membership organization should take special care to protect members from liability for the organization's acts and debts. Options under state law and adequate insurance can provide protection. Incorporation generally shields members best and may be easier and cheaper than imagined.

Employment Laws

For the most part, employment laws do not apply to volunteers. If a volunteer receives compensation of any sort, though, some employment-related rules may apply. In the eyes of the IRS, compensation for services is taxable income regardless of what you call it. Paying a stipend instead of wages does not make the payment tax-free. Noncash benefits also may be taxable.

Compensated volunteers may be subject to the minimum wage/maximum hours provisions of the Fair Labor Standards Act, or similar state law, and they may be counted in determining whether you have enough "employees" to be subject to the employment provisions of the Americans with Disabilities Act or other laws. Compensated volunteers also may be covered under workers' compensation and unemployment laws. (See *Volunteers and the Law.*)

Any volunteer program with paid staff is subject to a wide array of employment laws.

You may need to consult a lawyer about the fine points of these laws, but practicing simple human decency will take you a long way toward compliance. You will be able to defend more readily against any suit filed if you keep good records.

In many states you can get a primer on employment laws from your state association of nonprofits. Seminars on personnel practices are frequently offered by Support Centers and other management assistance providers. (See "Resources.")

Understanding employment law is important not only to comply with it, but also to dispel misunderstandings that might make you overly timid about employment decisions. In most states employees serve "at will," which leaves you ample discretion to fire employees before they cause serious damage. Retaining everyone no matter how poorly they do their jobs has risks of its own!

Copying and Publishing

Nonprofits enjoy no special exemption from copyright laws. Giving your publications away doesn't free you from the obligation to obtain permission to reprint copyrighted material. Copyright law does provide an "educational use" exception that permits reproduction of certain items, such as a single entry in an anthology, for teaching purposes. Otherwise, anything beyond "fair use" requires permission. "Fair use" pertains to short excerpts, ordinarily no more than 100 words. At a minimum, use of others' material must be credited.

Most computer software programs, like books, are protected by copyright. Copying software without paying for it violates the rights of the developer and exposes the organization to criminal and civil penalties. One legal alternative for qualifying charitable organizations is to purchase software at special discounts through Gifts In Kind America, see "Resources."

Organizational Evolution

Nonprofits have a tendency to spring up and sometimes operate for years without notifying the appropriate authorities. For informal clubs and other small organizations, contact with government offices may be unnecessary. Most organizations, however, need to file. Because the legal existence of an organization may depend on filing a form with the appropriate office, you should make sure either that the necessary forms have been filed or that they are not required. If the organization changes form or name, moves, merges with another, ceases operations, or clearly changes its mission, more forms may need to be filed. Any of those changes may also trigger a requirement to notify the IRS, especially if the organization has been granted tax exempt status.

Navigating the Insurance Maze

Because you may be sued, even if you have done nothing wrong, insurance serves an invaluable risk management function: it provides a source of payment for legal and settlement costs. Given all the difficulties and frustrations of obtaining insurance, though, an organization might be tempted to skip the whole process and "go bare."

To organizations with few assets, "going bare" may seem appealing, but it is *very* risky. Without insurance, an organization places the personal assets of its volunteers, employees, and board members at much greater risk. As a practical matter, injured parties have much less incentive to sue individuals if the organization is insured. Unless the

organization has coverage, individuals must rely solely on their own insurance policies, which may not cover their activities as an employee, volunteer, or board member.

Moreover, insurance provides a source of recovery when volunteer activities cause harm. An organization may think only of saving money when it operates without insurance, but without insurance, it may be unable to help anyone injured by its activities. That isn't very charitable.

Buying Insurance

Even for a small organization, buying insurance can raise difficult questions that are far beyond the scope of this handbook. Publications listed in "Resources" and insurance professionals can elaborate on the guidance offered here.

If you have difficulty when applying for insurance, consider the application to be similar to a grant proposal. Then you can rely on skills you already have!

You can portray the organization in the most favorable light, as long as you are absolutely truthful. Neglecting to inform an insurer of a hazard may invalidate the policy. Failing to attach requested audit reports or other documents may result in a summary rejection of an application, which in turn makes obtaining insurance from another company more difficult.

As you describe the organization, keep in mind the one crucial difference between an insurance application and a funding proposal. For insurance purposes, an underwriter really does not care whether the organization does good deeds. What matters to insurers is the *riskiness* of the organization's activities and the extent of its *precautions*. Try to avoid words that may alarm an insurer. "Operating a halfway house for drug addicts" sounds scarier than "providing assisted living arrangements for substance abusers."

Finally, write out everything you want an insurer to know. Telling something to an insurance agent may have no effect because agents themselves ordinarily do not decide whether to issue a policy.

Insurance Policies

No insurance policy covers all types of claims. As a preliminary guide, the most common types of insurance for volunteer organizations are described below.

To obtain adequate coverage, you may need to choose several

policies designed for different purposes and add coverages that are not on this list. For example, to cover its counselors, a crisis intervention center may need a malpractice or errors and omissions policy. Special events also may require special insurance arrangements.

General Liability Insurance

The most common type of liability insurance is the general liability policy that covers most bodily injury and property damage claims. The general liability coverage may be combined in a "package policy" that includes property insurance.

Although virtually essential, the general liability policy is not comprehensive, so you should know what you are getting. The exclusions to coverage typically constitute a very long list of items, some of which may be covered by other policies. Usually excluded are pure financial losses, use of a vehicle, rendering "professional" services, and types of harm that do not come under insurers' headings of "bodily injury" or "property damage." Excluded as "professional" may be the services of nurses, social workers and counselors, whether or not those individuals are paid. Civil rights and employment claims are also commonly excluded.

Directors and Officers Insurance

Directors and officers (D&O) insurance policies are designed for a variety of claims alleging harm caused by the governance or management of an organization. The most common type of claim under the policy is for an alleged employment law violation, for example, wrongful termination, discrimination, or sexual harassment. To provide adequate coverage, a policy may be endorsed—modified—to cover individuals in the organization other than directors and officers, including volunteers.

Almost all D&O insurance policies differ from other types of policies in several critical respects. A little knowledge about insurance is especially dangerous when purchasing a D&O policy. Thus, reading *D&O—Yes or No* or working with an insurance professional who can help you understand the implications of "claims-made," "defense within limits," and "wrongful acts" will help you decide whether you need the coverage and, if so, which policy to select.

Volunteers

Insurance for volunteers may need to cover two types of claims: harm caused *by* a volunteer and injuries *to* a volunteer. General liability policies ordinarily cover claims against the organization because of a volunteer's actions. A policy will cover claims against the volunteer personally, though, only if the policy specifically includes volunteers. Alternatively, volunteers may be covered under special

Liability Insurance Mistakes To Avoid

Buying insurance is no one's favorite activity, so avoidable mistakes occur frequently. Here are some of the most common insurance mistakes for volunteer programs.

- Assuming that a general liability policy covers volunteers. Standard insurance policies cover the organization and its employees. Volunteers usually need to be added by endorsement.

- Switching carriers each year to save a few dollars. A stable, long-term relationship has many advantages when the insurance market changes or the organization files a claim.
- Working with an agent, broker, or carrier unfamiliar with volunteer organizations. Insurance professionals who understand volunteer programs offer big advantages. An insurance professional who serves on your board or otherwise takes a special interest in your organization should be encouraged to look beyond standard business policies to find the best coverage *for your needs*.
- Expecting a general liability policy to cover employment-related claims. The bodily injury or property damage coverage of general liability insurance rarely applies to these claims. A directors and officers policy that includes key staff can provide the proper coverage.
- Buying an inexpensive D&O policy that does not cover employment-related claims. A low premium may be attractive, but failing to get adequate coverage makes these policies a bad bargain.
- Having no coverage for injured volunteers. Volunteers usually aren't covered by workers' compensation and may not be able to collect against a general liability policy. Consider an accident policy or adequate medical payments provision in a general liability policy.
- Ignoring non-owned auto liability. Accidents caused by volunteers using their own vehicles—or other vehicles the organization does not own—are one of the most common and expensive sources of claims against volunteer programs.
- Purchasing a "premises policy" that limits coverage to incidents that occur at the office. Such policies are inadequate for organizations with field staff or that conduct activities, like fundraisers, off-site.
- Relying on a traditional D&O policy to protect the organization itself from claims involving board or administrative actions. Coverage for the organization, rather than for directors and officers individually, may be added by endorsement or obtained with a broader policy such as an Association Professional Liability Insurance policy.

volunteer liability policies or their own personal insurance policies. The liability protection of homeowners, renters, and auto policies generally covers volunteer activity. Those policies cover only specific types of claims, though. They are not designed for claims like wrongful termination or discrimination.

Injuries to volunteers often fall through gaps in coverage. In most states, volunteers are not included in the workers' compensation system. As a result, they cannot recover under a workers' compensation policy. To take care of them, you may be able to obtain an accident and injury policy especially for volunteers or have the medical payments portion of your general liability policy expanded to cover volunteers' injuries off the organization's premises.

Insurance for volunteers may need to cover two types of claims: harm caused by a volunteer and injuries to a volunteer.

Motor Vehicle

Everyone behind the wheel is supposed to have insurance. We all know, however, that some drivers—even otherwise well-meaning, law-abiding volunteers—don't have coverage or have far too little. When they get into accidents while driving on an organization's behalf, the organization may be held liable for the resulting damages. Non-owned auto policies or endorsements to general liability policies can cover this risk. Policies vary tremendously, however, regarding the conditions under which they will pay a claim.

Conquering the Worst Case Scenario

To adopt a risk management mindset you must accept a degree of uncertainty. Even the best procedures and programs cannot guarantee you won't be faced with an accident or crisis.

- A senior citizen falls down the steps at the recreation center.
- A board member is indicted for embezzlement.
- A volunteer abuses a client.
- A van accident kills a volunteer driver and two passengers.

Even events that don't seem related to your organization can hurt you. If your former board chair is arrested in a drug raid, the press may call for your comment. Your preparation can help keep your organization above the fray, and out of the courtroom.

Most incidents that could result in a lawsuit do not go that far. What you do following an incident can prevent a lawsuit, as well as the misery and negative publicity it would bring. Because a claim may be filed, however, prepare to take the necessary steps for legal and insurance protections.

- **Make sure volunteers and employees know what to do.** Everyone should understand and follow procedures to respond to and report an accident or crisis. You want to avoid having flustered people inadvertently throwing gasoline on a fire.
- **Express concern for the injured person.** Aid the person to obtain necessary treatment; provide care if you are able without admitting or implying liability. People are less likely to sue if they are treated well after the incident. *NOTE:* Insurance may not pay expenses prior to the formal filing of a claim. Moreover, any offer of assistance may be construed as an admission of liability. Get the input of your insurer when you develop your plan for how you will respond to an incident.
- **Do not admit liability!** As obvious as liability seems in the situation,

Who do you call?

Immediately notify the following entities when an incident occurs. Delay can jeopardize your ability to defend against a claim and your right to insurance coverage. Do not assume that some other party will be liable, and you don't need to report the incident.

Insurer: Notify both your agent and the carrier named on the insurance policy. Call and then follow-up in writing. If in doubt about which policy covers an incident, notify all possible sources of coverage. Your failure to notify your insurer can nullify its obligation to pay legal and other expenses on your behalf.

Attorney: Involving legal counsel early can be vital to your defense. Discuss this matter with your insurer immediately to determine who will choose counsel.

Sponsor or national organization: If you are an affiliate, chapter, division, or section of another entity, notify headquarters in accord with its requirements. Familiarize yourself with any special procedures your sponsor or headquarters has established for reporting incidents, such as bypassing normal channels, to make sure upper echelons are aware of the situation.

the rules of law could produce a different result. Try not to say anything about why you think the incident occurred. Beware of "implicit admissions." For example, after an auto collision, do not pay a ticket or fine without consulting your attorney. Unless immediate changes are necessary to protect public safety, do not modify conditions that caused the incident until you have conferred with counsel.

- **Keep lines of communication open.** People who don't get prompt answers to their questions may assume the worst. If they feel like they are getting the runaround they are more likely to hire a lawyer to get the answers for them.
- **Be prepared to deal with the media.** Prepare statements to present your organization in the best light.

> "We are aware of the recent allegations against a (current/former volunteer/employee/board member) in our Big Brothers/Big Sisters program. We have been advised that information regarding this allegation is confidential at this time and we are not permitted to discuss the case. However, we do wish to state that this agency's primary concern is for the welfare of its children and we are cooperating with the legal authorities to resolve the questions raised by these allegations."

Develop stock statements like this one from Big Brothers/Big Sisters of America (*Crisis Management: Responding to the Media*) that you can vary depending upon circumstances.

- **Identify witnesses and carefully preserve physical evidence.** Get pictures of the scene, if possible and appropriate. Write down witnesses' names and other necessary information, for example, their addresses and phone numbers.
- **Record your recollection** of the incident and encourage others involved in the incident to do the same as soon as possible. Memory diminishes quickly. To capture your thoughts while they are fresh, you might talk into a tape recorder. Answer the questions who, what, where, when, and how. Do not assume anything; everything you record may be introduced at a trial. Limit your statements to what you personally know. If you record anything based on what someone else told you, be sure to indicate the source of that information.

- **Do not talk about the incident** without consulting a lawyer. Anyone you talk to may be subpoenaed.
- **Prevent a recurrence.** Make changes to increase safety. If appropriate, temporarily suspend the assignment of any volunteer(s) or employee(s) responsible for the incident. A policy requiring suspensions—with or without pay for employees—pending the investigation of serious allegations, such as abuse, theft or reckless behavior, will protect clients, the organization, and the accused.
- **Support the people affected by the incident.** The distress of people involved in an incident is often made worse by isolation. Extra support may be needed to maintain morale.

Four Quick Rules for Media Relations

1. Designate a media spokesperson and an alternate.
2. Don't lie. Either tell the truth or say nothing. If you don't know, say so. Offer to look into the matter and respond later.
3. Never say something to a reporter you don't want in print or on TV, even "off the record."
4. Release only confirmed facts. Don't speculate.

The key to handling an emergency effectively is to prepare in advance. To do that, start with the first step in the risk management process: Look for risks. Only by acknowledging a risk can you begin to think about how everyone should respond if something goes wrong. Risk management gives you the control you need to handle even your worst case scenario.

Epilogue

All of the strategies in this handbook can help you control risks. They can also seem a little overwhelming. A simple rule of thumb for preventing unpleasant surprises is to avoid GUILT.

No G U I L T, No Surprises

Groupthink. Be wary when everyone in the room starts nodding yes to build consensus even though some people have serious reservations. Raise your own objections, call yourself a "devil's advocate."

Uncertainty. Some uncertainty is unavoidable, but more often it is an unnecessary blindspot. Don't be afraid to ask questions and call in experts. Consulting a professional will be much less costly and unpleasant than blundering.

Inaction. Failing to act can be a bigger mistake than doing something. Tabling a difficult topic or ignoring a hazard may be the easy option—until the disaster occurs that could have been prevented.

Limiting yourself. Explore all the options and follow questions to their logical conclusions. There is almost always more than one solution to every challenge. The risks of one option may be much lower than others.

Taking the easy way out. Sometimes it seems easier to ignore established procedures, like checking references or calling off a game due to lightning. No one wants to be an ogre, but you may need to make unpopular decisions to protect your clients, staff, or mission.

Resources

Assistance for Volunteer Programs

Nonprofit Risk Management Center
1001 Connecticut Ave., NW, Suite 900
Washington, DC 20036
(202) 785-3891

Association for Volunteer Administration
1540 30th Street
Boulder, CO 80303
(303) 497-0238

Gifts In Kind America
700 N. Fairfax Street, Suite 300
Alexandria, VA 22314
(703) 836-2121

Independent Sector
1828 L Street, NW, Suite 1200
Washington, DC 20036
(202) 223-8100

National Center for Nonprofit Boards
2000 L Street, NW, Suite 411
Washington, DC 20036
(202) 452-6262

•National Council of Nonprofit Associations
1001 Connecticut Ave., NW, Suite 900
Washington, DC 20036
(202) 785-3208

One to One Partnership
2801 M Street, NW
Washington, DC 20007
(202) 338-3844

Society for Nonprofit Organizations
6314 Odana Road, #1
Madison, WI 53719
(608) 274-9777

•Support Centers of America
70 Tenth Street
San Francisco, CA 94103
(415) 552-7584

•United Way of America
701 N. Fairfax Street
Alexandria, VA 22314
(703) 836-7100

•Volunteer Centers

Points of Light Foundation
1737 H Street, NW
Washington, DC 20006
(202) 223-9186

Federal Helplines

Internal Revenue Service
Forms/Publications (800) 829-3676
Information (800) 829-1040

Office of Management and Budget
(202) 395-3993

Americans With Disabilities Act
Department of Justice
(202) 514-0301

Equal Employment Opportunity Commission
(800) 669-EEOC

Safety

National Safety Council
444 N. Michigan Avenue
Chicago, IL 60611
(312) 527-4800

Occupational Safety and Health Administration (OSHA)
200 Constitution Avenue, NW
Washington, DC 20210
(202) 523-8148

National Institute of Occupational Safety and Health (NIOSH)
101 Marietta Towers, 11th Floor
Atlanta, GA 30323
(404) 331-2396

Driving

AARP "55 Alive"
American Association of Retired Persons
601 E Street, NW
Washington, DC 20049
(202) 434-6014

Network of Employers for Traffic Safety (NETS)
1910 K Street, NW, Suite 810
Washington, DC 20006
(202) 452-6005

Fundraising

American Association of Fundraising Counsel
25 W. 43rd Street
New York, NY 10036
(212) 354-5799

•Foundation Center
79 Fifth Avenue
New York, NY 10003
(212) 620-4230

National Society of Fundraising Executives
1101 King Street, Suite 3000
Alexandria, VA 22314
(703) 684-0410

• Organizations with state or local affiliates.

Publications

Accounting & Financial Reporting: A Guide for United Ways and Not-for-Profit Human Service Organizations, United Way of America, 1989

Am I Covered For....?: A Guide to Insurance for Non-Profits, Mary L. Lai, Terry S. Chapman, & Elmer L. Steinbock., Consortium for Human Services, 1992

Annual Survey of State Laws Regulating Charitable Solicitations, American Association of Fundraising Counsel, 1993

Board Liability: Guide for Nonprofit Directors, Daniel L. Kurtz, Moyer Bell Limited, 1988

Crisis Management: Responding to the Media, Big Brothers/Big Sisters of America, 1991

D&O—Yes or No: Directors and Officers Insurance for the Volunteer Board, Nonprofit Risk Management Center, 1991

Guidebook for Nonprofit Board Members, American Bar Association, 1993

Internal Control: A Self-Assessment Workbook for Not-for-profit Social Welfare and Human Services Agencies, Peter C. Paquette, 1992

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Rupp's Insurance & Risk Management Glossary, Richard V. Rupp, NILS Publishing Company, 1991

State Liability Laws for Charitable Organizations and Volunteers, Nonprofit Risk Management Center, 1992

Volunteers and the Law, Nonprofit Risk Management Center, 1994

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Am I Covered for . . .?: A Guide to Insurance for Non-Profits (2d ed.), by Terry S. Chapman, Mary L. Lai & Elmer L. Steinbock, 1992, 285 pages, $15.00. Don't put off—or be put off by—buying insurance. This book explains what you need to know and gives you tips for each type of coverage you may need. It's filled with checklists, worksheets, forms, and examples to help you evaluate and obtain the insurance your organization needs at the best possible cost.

D & O—Yes or No?: Directors and Officers Insurance for the Volunteer Board, 1992, 20 pages, $6.00. Are your board members asking about their insurance coverage? Does your general liability policy cover the board? Find out whether you need D&O and learn how to select the best policy to protect your board members and your organization.

Guidebook for Nonprofit Board Members, American Bar Association, 80 pages, 1993, $19.95. An easy-to-follow guide that explains the legal responsibilities of serving on a board and offers suggestions for compliance. Help your board members do their jobs, include a copy in each board member's orientation kit!

State Liability Laws for Charitable Organizations and Volunteers, 1992, 48 pages, $12.50. For volunteer program managers who need to answer questions from volunteers and board members about their personal liability. This state-by-state compilation of volunteer protection laws and limitations on the liability of charitable organizations is also invaluable for anyone who supports better volunteer protection laws.

No Surprises: Controlling Risks In Volunteer Programs, Additional copies, $9.95. Call for information on quantity discounts.

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